



City of Naples

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS:</u>			
VICE-MAYOR RICHARDSON: Announced that Mayor Putzell was enjoying his vacation in France and doing well.			1
CITY MANAGER JONES: Noted that a special meeting was scheduled for 5:30 p.m. to formally adopt the 1987/88 budget.			1
<u>APPROVAL OF MINUTES:</u> September 2, 1987, Regular Meeting September 2, 1987, Workshop Meeting			
<u>PURCHASING:</u>			
-BID AWARD for annual requirement for ferrous sulfate.		87-5366	2
-BID AWARD for annual requirement for anhydrous ammonia.		87-5367	2
-BID AWARD for annual requirement for water treatment chemicals.		87-5368	2
-BID AWARD for two-year contract for limerock and cover material.		87-5369	2
-BID AWARD for two-year contract for installation of concrete curbs and gutters.		87-5370	3
-BID AWARD for two-year contract for construction and repair of sidewalks.		87-5371	3-4
-BID AWARD for six-month contract for asphaltic materials.		87-5372	4
<u>RESOLUTIONS:</u>			
-APPROVE variance to remove and replace an existing portion of a residence which encroaches 9.5' into the setback area, 2600 Tarpon Road.		87-5373	4-5
-APPROVE variance to permit the addition of a cross which will extend 8 feet above the roof, 985 Third Street, South.		87-5374	5
-APPROVE variance to permit a five-foot high decorative metal fence, 2050 Gordon Drive.		87-5375	5-6
-TABLE conditional use permit to allow a rental car agency, 694 Ninth Street, North.		87-_____	6-7
-APPROVE variance to allow consumption of alcohol at 316 Goodlette Road, Suite 401.		87-5376	7-8
-APPROVE conditional use permit to allow ballroom dancing and staged entertainment, 316 Goodlette Road, Suite 401.		87-5377	7-8
-APPROVE vacating and abandoning southeast corner of 6th Avenue, South and 10th Street, South.		87-5378	8
-APPROVE vacating and abandoning a 5-foot portion of a 15-foot drainage easement, 4821 West Boulevard.		87-5379	8-9
-APPROVE submission of application for funding under the Department of Housing and Urban Development (HUD) community development block grant.		87-5380	9
-APPROVE appointment of Lee Potter Smith and Robert Geroy to the Board of Appeals.		87-5381	9
-APPROVE appointment of Mark W. Wiltsie to the Firemen's Retirement Trust Fund.		87-5382	10
-APPROVE appointment of Mark W. Wiltsie to the Police Officer's Retirement Trust Fund.		87-5383	10
-AUTHORIZE Vice-Mayor to execute an amended Consent Order to the State of Florida, Department of Environmental Regulation.		87-5384	10
-AUTHORIZE execution of Amendment No. 8 to the Camp, Dresser & McKee engineering agreement for the sewer lift stations.		87-5385	10-1
-AUTHORIZE transfer of funds from the Contingency Fund.		87-5386	11
<u>DISCUSSION/ACTION:</u>			
-Report by Camp, Dresser & McKee, Inc. with reference to the Wastewater Treatment Plant expansion.			11-12
-Action on Contractors Examining Board findings regarding Walters Roofing (tabled by the CEB).			12-1.
-Petitions for reinstatement of building permits: Bayside Hotel Corporation and Residence Versailles, Inc.			13-1
-Beach parking program.			13
<u>CORRESPONDENCE AND COMMUNICATIONS:</u> None.			
			16

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:00 a.m.

Date 09/16/87

Vice-Mayor Richardson called the meeting to order and presided as Chairman:

ROLL CALL: Present: Lyle S. Richardson, ITEM 2
Vice-Mayor

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

Absent: Edwin J. Putzell,
Mayor

Also Present:
Franklin C. Jones, City Manager
David W. Rynders, City Attorney
Mark W. Wiltsie, Assistant City Manager/
Acting Comm. Dev. Dir.
Gerald L. Gronvold, City Engineer
Jodie M. O'Driscoll, Deputy Clerk
Ann Walker, Planner I
Gil Sherburne, Code Enforcement Ofc.
Christopher L. Holley, Community Services Dir.
Steven Ball, Chief Planner
Stewart K. Unangst, Purchasing Agent
James L. Chaffee, Utilities Director
Jon C. Staiger, Ph.D., Natural Resources Mgr.
Frank W. Hanley, Finance Director
Cliff Gorden, Building Official
George Henderson, Sergeant-At-Arms

See Supplemental Attendance List - Attachment #1.

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INVOCATION: Dr. Robert Palmer ITEM 1
Moorings Presbyterian Church

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ANNOUNCEMENTS ITEM 3

VICE-MAYOR RICHARDSON: Announced that Mayor Putzell was enjoying his vacation in France and doing well.

CITY MANAGER JONES: Noted that a special meeting was scheduled for 5:30 p.m. to formally adopt the 1987/88 budget.

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-----CONSENT AGENDA-----

APPROVAL OF MINUTES ITEM 4

September 2, 1987, Regular Meeting
September 2, 1987, Workshop Meeting

MOTION: To APPROVE the minutes as presented.

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COUNCIL MEMBERS	M	S	VOTE		A B S E N T
			O N	O F F	
Anderson-McDonald				X	
Barnett			X	X	
Bledsoe	X			X	
Crawford				X	
Graver				X	
Richardson				X	
Putzell				X	
(6-0)					X

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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	

PURCHASING

ITEM 5

---RESOLUTION NO. 87-5366

Item 5-a

A RESOLUTION AWARDDING THE BID FOR FURNISHING THE CITY'S ANNUAL REQUIREMENT FOR FERROUS SULFATE USED AT THE CITY WASTEWATER TREATMENT PLANT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Davis Water & Waste Industries, Inc.
Tallevast, Florida
\$250,000.00 annual

Title not read.

In response to Mr. Graver, Purchasing Agent Unangst advised that this bid was for an industrial waste chemical which has been purchased for approximately eight years, with the exception of one year where there were two bidders, from Davis Water and Waste. This company is the only one in the area which offers this service; there are other nationwide merchants, but transportation costs are prohibitive.

---RESOLUTION NO. 87-5367

Item 5-b

A RESOLUTION AWARDDING THE BID FOR FURNISHING THE CITY'S ANNUAL REQUIREMENTS FOR ANHYDROUS AMMONIA; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Bower Ammonia & Chemical Company
Philadelphia, Pennsylvania
\$8,761.00 annual

Title not read.

---RESOLUTION NO. 87-5368

Item 5-c

A RESOLUTION AWARDDING THE BIDS FOR FURNISHING THE CITY'S ANNUAL REQUIREMENTS FOR VARIOUS WATER TREATMENT CHEMICALS USED IN THE WATER SUPPLY; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Various Vendors
\$123,575.00 annual

Title not read.

---RESOLUTION NO. 87-5369

Item 5-d

A RESOLUTION AWARDDING THE BIDS FOR A TWO-YEAR CONTRACT FOR FURNISHING THE CITY'S REQUIREMENTS FOR LIMEROCK AND COVER MATERIAL; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

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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	

--- Various Vendors
\$75,000.00 annual

Title not read.

---RESOLUTION NO. 87-5370

Item 5-e

A RESOLUTION AWARDING THE BID FOR A TWO-YEAR CONTRACT FOR THE INSTALLATION OF CONCRETE CURBS AND GUTTERS FOR THE CITY; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

H. W. Beaudoin & Sons, Inc.
Fort Myers, Florida
\$99,010.00 annual

Title not read.

---RESOLUTION NO. 87-5371

Item 5-f

A RESOLUTION AWARDING THE BID FOR A TWO-YEAR CONTRACT FOR CONSTRUCTION AND REPAIR OF SIDEWALKS THROUGHOUT THE CITY OF NAPLES; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

McWerner, Inc.
Naples, Florida
\$7,500.00 annual

Title not read.

City Manager Jones explained that staff recommends an increase in the total expenditure for sidewalk repair to \$58,450. This amount, he said, would encompass all sidewalk repairs throughout the City. Mrs. Anderson-McDonald suggested that this item be removed from the Consent Agenda and placed on the next meeting's agenda to allow Council the opportunity to review the request. City Manager Jones, however, proposed approving the request for \$7,500 now and staff would then bring a change order back to the Council for the additional monies.

Purchasing Agent Unangst confirmed for Mr. Crawford that the bid was set up for per-square-foot prices to allow for different types of work such as: a handicap curb access and root removal, etc. This bid price, he said, was the best price received in the last three years and indicates a 26% decrease.

Mr. Graver asked if the increased amount included River Park. Mr. Jones stated that most of the work to be done in River Park would be funded from the Department of Housing and Urban Development (HUD) monies.

Mrs. Anderson-McDonald moved to approve the Consent Agenda with the exception of Item 5-f. Mr. Crawford, however, suggested approving the Consent

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Agenda as presented and allow staff to submit a change order for the total amount of actual sidewalk work.

Mr. Bledsoe expressed concern about the number of potential suppliers who respond to City bid proposals. Mrs. Anderson-McDonald said that she has spoken to many potential bidders who claim that the City is in a position to look at bottom line figures only and if a great deal of service is involved, it would reduce the profit margin.

Mr. Bledsoe suggested that staff contact those bidders who do not normally respond and determine the reasons why.

---RESOLUTION NO. 87-5372

Item 5-a

A RESOLUTION AWARDED THE BIDS FOR A SIX-MONTH CONTRACT FOR FURNISHING THE CITY'S REQUIREMENTS FOR ASPHALTIC MATERIALS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Various Vendors
\$96,000.00 six months

Title not read.

MOTION: To APPROVE the Consent Agenda as presented.

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

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES
PLANNING ADVISORY BOARD

---RESOLUTION NO. 87-5373

ITEM 6

A RESOLUTION GRANTING A VARIANCE FROM SECTION 5.2(F)(3) OF APPENDIX "A", ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, REQUIRING A 30-FOOT REAR YARD SETBACK, IN ORDER TO REMOVE AND RECONSTRUCT AN EXISTING PORTION OF A RESIDENCE THAT DOES AND WOULD ENCROACH 9.5 FEET INTO THE REAR YARD SETBACK, LOCATED AT 2600 TARPON ROAD, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Vice-Mayor Richardson advised that neighbors have provided letters of no objection to the request, thereby fulfilling the first condition of the resolution (Attachment #2). Chief Planner Ball explained that the original structure was built without the proper permits making it non-conforming and was inherited by the current owner. The addition, he said, will encroach upon the rear yard setback area by approximately 9.5 feet. The Planning Advisory Board (PAB) also recommended approval.

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	
Anderson-McDonald			X	X	
Barnett	X			X	
Bledsoe				X	
Crawford				X	
Graver				X	
Richardson				X	
Putzell (6-0)					X

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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	
In response to Mr. Graver, Mr. Ball pointed out that there was room on the opposite side of the structure for the addition; however, the petitioner desired it to face the water. Mr. Crawford asked if a more definitive drawing would be presented, Mr. Ball assured Council that it would.					
MOTION: To <u>APPROVE</u> the resolution as presented.					
***	***	***			
--- <u>RESOLUTION NO. 87-5374</u>					
					<u>ITEM 7</u>
A RESOLUTION GRANTING A VARIANCE FROM SECTION 5.21(H), APPENDIX "A", ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH RESTRICTS BUILDING HEIGHTS IN THE PUBLIC SERVICE (PS) ZONING DISTRICT TO THIRTY (30) FEET, IN ORDER TO PERMIT THE ADDITION OF A CROSS WHICH WILL EXTEND EIGHT (8) FEET ABOVE THE ROOF, AND FORTY-EIGHT (48) FEET ABOVE THE LEVEL OF THE FINISHED FLOOR, OF ST. ANN CATHOLIC CHURCH, LOCATED AT 985 THIRD STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
Chief Planner Ball explained that the petitioner was replacing the church roof which presently conforms to the building code; however, the petitioner is requesting a variance to erect an 8-foot aluminum cross on top of the roof. Both the Planning Advisory Board (PAB) and staff recommend approval.					
Architect Mario LaMendola, representing the petitioner, agreed with the staff report.					
In response to Mr. Crawford, Mr. LaMendola advised that the new roof may be four feet higher than the original which was in keeping with the ordinance.					
MOTION: To <u>APPROVE</u> the resolution as presented.					
***	***	***			
--- <u>RESOLUTION NO. 87-5375</u>					
					<u>ITEM 8</u>
A RESOLUTION GRANTING A VARIANCE FROM SECTION 6-11 OF APPENDIX "A", ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH LIMITS HEIGHT OF FENCES IN FRONT YARDS TO THREE (3) FEET, IN ORDER TO PERMIT A FIVE-FOOT HIGH DECORATIVE METAL FENCE IN A FRONT YARD SETBACK, LOCATED AT 2050 GORDON DRIVE, PALMER ESTATES SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
Chief Planner Ball advised that when the original subdivision, Palmer Estates, was platted, two large ponds were built as water retention areas. Both the staff and Planning Advisory Board (PAB) recommend approval of the requested perimeter fence.					

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(6-0)

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(6-0)

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COUNCIL MEMBERS	MOTION	VOTE		A B S E N T
		Y	N	
		S	O	
Anderson-McDonald	X	X		
Barnett		X	X	
Bledsoe				X
Crawford		X		
Graver			X	
Richardson		X		
Putzell (4-2)				X

Mr. Crawford pointed out that the fence would be close to 12 feet high and asked what requirements were provided in the Code, especially as is applied to access. Mr. Ball noted that the gate was not restricted and, in response to Mr. Crawford, pointed out that the gate would be locked with keys available to all residents. The Fire Department had reviewed the request and expressed no objections, Mr. Ball concluded.

Mr. Bledsoe expressed concern that this approval might set a precedent and, therefore, said he would vote negatively. Mr. Ball, however, pointed out that similar requests have been granted in the past.

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 87-

ITEM 9

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A RENTAL CAR AGENCY TO BE LOCATED IN AN EXISTING STRUCTURE AT A FORMER GASOLINE SERVICE STATION AT 694 9TH STREET NORTH ON THE SOUTHEAST CORNER OF U.S. 41 AND 7TH AVENUE NORTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Chief Planner Ball explained that this request was for a conditional use permit to allow a car rental agency and the incidental sale of cars which have become obsolete. Both the staff and Planning Advisory Board (PAB) recommend approval and access be limited to U.S. 41.

Mr. Crawford said that he believed additional landscaping would be necessary, but Mrs. Anderson-McDonald suggested that the proposed usage might go beyond the normal requirements for landscaping. Mr. Ball noted that the applicant is willing to submit landscaping plans.

Mrs. Anderson-McDonald then moved to table the item until the petitioner presents landscaping plans to the City staff. The motion failed for lack of a second.

Mr. Barnett expressed concern that "for sale" signs would be used in addition to classified ads for the incidental sale of cars.

Realtor Mark Moran, representing the petitioner, assured Council that there would be no signage or advertisement on the premises other than a sign with the Agency's name on it. He said that he was adverse to the tabling of this item because he wished to ready the property before season begins.

Mrs. Anderson-McDonald, however, explained that Council would like some visual reinforcement before approving this item carte blanche.

Mr. Graver said he believed a precedent would be set if the landscaping agreement was verbal, and not definitively outlined.

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			Y E S	N O	
Anderson-McDonald				C	
Barnett				O	
Bledsoe				N	
Crawford				S	
Graver				S	
Richardson				S	
Putzell				S	X
<u>It was the consensus of Council to table this item until the petitioner submits the appropriate site plans.</u>					
*** *** ***					
---RESOLUTION NO. 87-5376 ITEM 10					
<p>A RESOLUTION GRANTING A VARIANCE FROM SECTION 6-2 OF APPENDIX "A", ZONING OF THE CODE OR ORDINANCES OF THE CITY OF NAPLES, WHICH REQUIRES A MINIMUM DISTANCE OF 500 FEET BETWEEN ESTABLISHMENTS LICENSED FOR THE SALE OR CONSUMPTION OF ALCOHOL, TO PERMIT THE ESTABLISHMENT OF A BALLROOM WITH LIQUOR CONSUMPTION ON THE PREMISES, IN AN ENLARGED FACILITY IN THE GRAND CENTRAL STATION SHOPPING CENTER, LOCATED AT 316 GOODLETTE ROAD, SUITE 401, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p>					
Anderson-McDonald				X	
Barnett	X			X	
Bledsoe			X		X
Crawford			X		
Graver			X		
Richardson			X		
Putzell					X
(5-1)					

---RESOLUTION NO. 87-5377					
<p>A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW DANCING AND STAGED ENTERTAINMENT IN AN ENLARGED FACILITY IN THE GRAND CENTRAL STATION SHOPPING CENTER, LOCATED AT 316 GOODLETTE ROAD, SUITE 401, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p>					
Titles read by City Attorney Rynders.					
<p>Chief Planner Ball noted that this request was to establish an entertainment type use with patrons supplying their own alcoholic beverages. Mr. Graver pointed out that there is a maximum occupancy of 120. The location of the Grouper House, which also serves alcohol, is within 500 feet of the proposed use and, therefore, a variance is required, Mr. Ball said. Both the staff and Planning Advisory Board (PAB) recommend approval for a one-year trial period relative to hours of operation and security.</p>					
<p>Mrs. Anderson-McDonald asked if the petitioners have indicated whether they would open as a ballroom, if alcohol were excluded to which Mr. Ball advised that they would still like to have ballroom dancing with or without alcohol. Mrs. Anderson-McDonald noted that in a restaurant atmosphere there are bartenders and waitresses who are trained and know the limits of serving alcohol. She said if the petitioner were allowed this type of consumption on the premises, there would be no regulation of drinking. Mr. Ball said that the petitioner had indicated they would provide security and, further, the type of people using the facility would be there mainly to dance, not drink.</p>					
<p>Mr. Richardson asked if the petitioners were present and Mr. Ball noted they were not.</p>					

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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson-McDonald			X		
Barnett	X		X		
Bledsoe				X	
Crawford			X		
Graver	X		X		
Richardson			X		
Putzell (5-1)					X
<p>Mr. Bledsoe voted negatively as he said he did not believe in such an entertainment concept.</p> <p>MOTION: To <u>APPROVE</u> the resolutions as presented.</p> <p>***</p> <p><u>---RESOLUTION NO. 87-5378</u> <u>ITEM 11</u></p> <p>A RESOLUTION VACATING AND ABANDONING THE WESTERN 141.67 FEET OF AN UNIMPROVED 20-FOOT-WIDE EAST/WEST ALLEY LOCATED IN BLOCK 14, TIER 11, PLAN OF NAPLES, IMMEDIATELY SOUTH OF THE SOUTHEAST BANK DRIVE-UP FACILITY ON THE SOUTHEAST CORNER OF 6TH AVENUE SOUTH AND 10TH STREET SOUTH, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>City Attorney Rynders advised that the 2,830 feet to be vacated, valued at \$7.50 per square foot, requires a total amount of \$5,600 to be paid to the City as compensation for the vacation. He noted that the City would retain a utility easement.</p> <p>In response to Mr. Crawford, Chief Planner Ball said that the vacation would allow the proposed building added office space.</p> <p>Mr. Graver reiterated his comments from a previous meeting that when an alley is vacated, all parties involved should be contacted and afforded the opportunity to legally obtain land from the vacation.</p> <p>Attorney George Varnadoe, representing the petitioner, pointed out that the City has water/sewer lines dedicated in the easement at the present time and that this vacation would allow the petitioner to use that area only for landscaping or parking, providing access to the lines are not blocked.</p> <p>MOTION: To <u>APPROVE</u> the resolution as presented.</p> <p>***</p> <p><u>---RESOLUTION NO. 87-5379</u> <u>ITEM 12</u></p> <p>A RESOLUTION VACATING AND ABANDONING A 5-FOOT BY 140-FOOT PORTION OF A 15-FOOT BY 140-FOOT DRAINAGE EASEMENT LOCATED AT 4821 WEST BOULEVARD, MORE PARTICULARLY DESCRIBED AS LOT 62, BLOCK 32, PARK SHORE, UNIT NO. 4; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>City Attorney Rynders advised that the Planning Advisory Board (PAB) observed that the petitioners inherited the encroachment problem when the house was purchased approximately seven years ago and recommended strongly against requiring compensation for the vacation.</p>					
Anderson-McDonald			X		
Barnett	X		X		
Bledsoe			X		
Crawford	X		X		
Graver			X		
Richardson			X		
Putzell (6-0)					X

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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	
Anderson-McDonald Barnett Bledsoe Crawford Graver Richardson Putzell (5-1)			X		
Anderson-McDonald Barnett Bledsoe Crawford Graver Richardson Putzell (6-0)	X		X		
Anderson-McDonald Barnett Bledsoe Crawford Graver Richardson Putzell (6-0)	X	X	X	X	X

Chief-Planner Ball said that the house was built in 1977 before the City required "as-built" surveys and it encroaches 5 feet onto the utility easement,

Mr. Crawford expressed concern that this might set a precedent because compensation for the vacation is not required. City Attorney Rynders, however, said that because the problem was inherited and not of the petitioner's making it would not set a precedent. The petitioner would have a difficult time selling the house and obtaining title insurance because of the encroachment, he said.

In response to Mr. Bledsoe, Mr. Ball advised that the petitioner had come to the City and requested the vacation.

MOTION: To APPROVE the resolution as presented.

*** **

RESOLUTION NO. 87-5380 ITEM 13

A RESOLUTION AUTHORIZING THE VICE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM IN THE AMOUNT OF \$125,000.00 TO UPGRADE AND MAINTAIN THE RESIDENTIAL AREA GENERALLY REFERRED TO AS THE "CARVER/RIVER PARK AREA"; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie commented that this application was the last in a three year cycle of program improvements for the Carver/River Park area funded by the Department of Housing and Urban Development (HUD).

MOTION: To APPROVE the resolution as presented.

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

RESOLUTION NO. 87-5381 ITEM 14

A RESOLUTION APPOINTING LEE POTTER SMITH AND ROBERT GEROY TO THE CITY OF NAPLES BOARD OF APPEALS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones pointed out that no other applications had been submitted for these positions and, further, that these gentlemen presently are members of the Board and are asking for reappointment.

MOTION: To APPROVE the resolution as presented.

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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	

---RESOLUTION NO. 87-5382

ITEM 15

A RESOLUTION APPOINTING ONE (1) MEMBER TO THE BOARD OF TRUSTEES OF THE FIREMEN'S RETIREMENT TRUST FUND TO FILL THE UNEXPIRED TERM OF STEVEN C. BROWN; AND PROVIDING AN EFFECTIVE DATE.

---RESOLUTION NO. 87-5383

A RESOLUTION APPOINTING ONE (1) MEMBER TO THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' RETIREMENT TRUST FUND TO FILL THE UNEXPIRED TERM OF STEVEN C. BROWN; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Rynders.

City Manager Jones advised that last October, following changes in the structure of the pension systems, it was decided that a member of staff participate by serving on the boards; therefore, staff recommends that Assistant City Manager, Mark W. Wiltsie, be appointed to serve the remainder of Steven C. Brown's term. Mr. Wiltsie would also fulfill the residency requirement, he concluded.

MOTION: To APPROVE the resolutions as presented.

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---RESOLUTION NO. 87-5384

ITEM 16

A RESOLUTION AUTHORIZING THE VICE MAYOR TO EXECUTE AN AMENDED CONSENT ORDER BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL REGULATION, AND THE CITY OF NAPLES, RELATING TO SUPPLYING REUSE WATER TO U.S. 41 MEDIANS FOR IRRIGATION PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones explained that this Consent Order was a precautionary measure for any conditions beyond the controls of the City or Contractor which result in the delay of supplying effluent reuse water to U.S. 41 medians, as provided for in a separate agreement with the Department of Environmental Regulation (DER).

MOTION: To APPROVE the resolution as presented.

*** **

---RESOLUTION NO. 87-5385

ITEM 17

A RESOLUTION AUTHORIZING THE VICE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 8 TO THE ENGINEERING AGREEMENT BETWEEN THE CITY OF NAPLES AND CAMP DRESSER & MCKEE, INC., RELATING TO PROFESSIONAL SERVICES FOR THE MASTER PLAN FOR SEWER LIFT STATIONS FOR THE CITY OF NAPLES WASTEWATER TREATMENT PLANT AND EFFLUENT REUSE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Anderson-
McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(6-0)

	X			X
		X		X
			X	X
			X	X
			X	X
			X	X
			X	X
			X	X
			X	X

Anderson-
McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(6-0)

	X			X
			X	X
			X	X
			X	X
			X	X
	X			X
			X	X
			X	X
			X	X

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Date 09/16/97

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	

City Manager Jones said that staff recommended Camp Dresser & McKee as engineers for the sewer lift stations master plan as they have previously performed engineering services for the effluent reuse system.

Mr. Lou Marcello of Camp Dresser & McKee displayed a map which outlined areas that have City sewers and unsewered areas (unincorporated property). Utilities Director Chaffee pointed out that the present plan was to secure the force and pump mains.

In response to Mr. Crawford, Mr. Chaffee explained that the wastewater treatment plant would be in place and could handle the capacity of unincorporated and anticipated sewer areas. Mr. Graver, however, said that the City's current system was close to maximum capacity. Mr. Chaffee, in response, affirmed that as the lift stations were completed, the County would also be in the process of implementing its own facility. Vice-Mayor Richardson concurred and said that the County's system should be operational before the City has reached its full capacity.

Mr. Crawford suggested that unincorporated areas surrounded by the City's current sewer system be considered for proposed annexation.

MOTION: To APPROVE the resolution as presented.

*** **

---RESOLUTION NO. 87-5386 ITEM 18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS FROM THE CONTINGENCY FUND TO VARIOUS CITY DEPARTMENTS AS OUTLINED ON THE ATTACHED SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Finance Director Hanley advised that this was an annual house-keeping venture which transfers funds to departments which are over budget to cover unknown dollar amounts such as: salary increases, merit increases, and fringe benefit amounts. These are amounts, he said, which departments anticipate in order to complete the remainder of the fiscal year.

In response to Vice-Mayor Richardson, Mr. Hanley noted that \$334,374 was needed for transfer from the Contingency Fund.

MOTION: To APPROVE the resolution as presented.

*** **

ITEM 19

REPORT BY CAMP DRESSER & MCKEE, INC., CONSULTING ENGINEERS, WITH REFERENCE TO THE WASTEWATER TREATMENT PLANT EXPANSION AND EFFLUENT AND DISPOSAL SYSTEM PROJECT.

Mr. Lou Marcello of Camp Dresser & McKee made a brief presentation regarding the progress of the

Anderson-McDonald			X	
Barnett	X		X	
Bledsoe			X	
Crawford			X	
Graver		X	X	
Richardson			X	
Putzell (6-0)				X

Anderson-McDonald		X	X	
Barnett	X		X	
Bledsoe			X	
Crawford			X	
Graver			X	
Richardson			X	
Putzell (6-0)				X

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COUNCIL MEMBERS	MOTION	SESSIONS	VOTE		ABSENT
			YES	NO	

effluent reuse project. The effluent water storage tank is almost 100% complete; only step left is to fill the tank with water and test its holding capacity. This project, he said, is on schedule and anticipated to be complete as of December 11, 1987.

The Twin Construction contract work is close to being substantially complete with the remaining work to be done; painting, punch up, etc. In terms of financial expenditures, Mr. Marcello said, some change orders have been requested for additions needed at Bears Paw and Moorings Park. Further change orders will be required in conjunction with the irrigation of median strips on U.S. 41.

Mr. Graver asked what the capability of the effluent would be during the winter season. Mr. Chaffee noted that the volume in the winter months would be approximately 7 million gallons of effluent per day from the wastewater treatment plant; the plant design and capacity would be 8.5 gallons. He further advised that the golf courses would be demanding approximately 5.2 million gallons. City Manager Jones expounded that the winter season would generate the most effluent because of the increased population which would provide ample requirements to use the water. There will be adequate disposal methods approved by the Department of Environmental Regulation (DER) for the effluent during the rainy season, Mr. Jones assured the Council. Mr. Crawford referred to a previously approved ordinance which requires property ten acres or more to participate in the effluent reuse system. City Manager Jones, however, said that most developments of ten acres or more would have the most impact upon the reuse system. Mr. Crawford suggested that when sewage lines are laid in the unincorporated areas east of U.S. 41 that dual lines be placed at that time for external watering from effluent.

City Manager Jones explained that the purpose of the ordinance was to decide whether the effluent system could be used before development took place.

Mr. Richardson asked that Mr. Marcello leave his map of the sewer districts in the Council work area for review by the Board at its convenience.

No action was taken by the Council.

ITEM 20

ACTION ON FINDINGS OF CONTRACTORS EXAMINING BOARD AT THE BOARD'S MEETING OF SEPTEMBER 11 WITH REFERENCE TO WALTERS ROOFING, PURSUANT TO SECTION 8-48(C)(5) OF THE CODE OF ORDINANCES. (ACTION POSTPONED FROM REGULAR MEETING OF AUGUST 19 AT THE REQUEST OF THE BOARD)

Title read by City Attorney Rynders.

This item had been continued by the Contractors Examining Board pending future complaints against

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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	
Anderson- McDonald Barnett Bledsoe Crawford Graver Richardson Putzell					
					X

Walters Roofing and, therefore, was withdrawn from the agenda.

*** **

ITEM 21

PETITIONS FOR REINSTATEMENT OF BUILDING PERMITS.

B. RESIDENCE VERSAILLES, INC.

City Attorney Rynders advised that the attorney for the Residence Versailles, Inc., has asked for a 30 day continuance.

It was the consensus of Council to continue this item until the October 7, 1987, meeting at the petitioner's request.

*** **

Council discussed the Beach Parking Program next to allow representatives from the Bayside Hotel sufficient time to attend the meeting as the agenda was ahead of schedule.

*** **

ITEM 22

DISCUSSION/ACTION WITH REFERENCE TO BEACH PARKING PROGRAM.

City Manager Jones advised that this discussion was scheduled for Council's review regarding the workshop meeting which was held on September 15, 1987, between the City Council and County Commission. It was decided at that meeting, he said, that the County would contribute approximately 1/3 the cost associated with beach maintenance for all County residents.

Mr. Crawford pointed out that this agreement was not open-ended and could be changed, if needed, to ensure that the rights of City residents are protected.

Mr. Richardson suggested that the current \$2.00 fine for parking violations in the beach/Pier area be increased to coincide with similar traffic violation increases previously adopted.

Council directed staff to compose the necessary documents for formal adoption by the City and County.

*** **

Council returned to Item 21-A at approximately 11:10 a.m.

*** **

ITEM 21

PETITIONS FOR REINSTATEMENT OF BUILDING PERMITS.

A. BAYSIDE HOTEL CORPORATION

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	

Building Official Gorden explained that the Community Development Department issued this building permit on October 14, 1986. The Code states that the permit is only valid for 18 months; however, certain thresholds must be met, six months after the issuance of the permit, construction activity must begin on the site and continue without suspension or abandonment. If these thresholds are not met, the permit can be declared null and void by the Community Development Department as outlined in Section 8-5 of the Code.

Mr. Gorden commented that no activity or persons have been on the site for the past seven weeks, therefore, staff determined that work had been suspended and revoked the permit. City Manager Jones added that the contractor was notified by written correspondence on September 3, 1987, that the permit had been revoked because work had either been suspended or abandoned. The contractor or developer can request a hearing before the Council to appeal such revocation; based on Council's analysis of the petitioner's reasons, it has the authority to sustain staff's decision or reissue the permits, Mr. Jones concluded.

Mrs. Anderson-McDonald referred to the "tunnel" form of construction proposed by the developer which is supposed to reduce construction time considerably and asked Mr. Gorden if he had any comments. Mr. Gorden, however, said he was not familiar with this construction technique.

Attorney Dudley Goodlette of Cummings and Lockwood, representing the Development Management Group, said that it was important for Council to focus upon whether the ultimate construction can be completed within the 18 month period provided for in the Code. If the contractor is allowed to proceed, Mr. Goodlette said, there would be every opportunity to complete the project on or before the March 13, 1988, deadline. City Attorney Rynders, however, cautioned Mr. Goodlette that this hearing was to determine if construction was suspended or abandoned as provided for in the Code, not whether there is sufficient time with which to complete the project.

Mr. John T. Bailey, Director of Development Management Group, admonished any rumors regarding the sale of the Bayside Hotel project. The reason for the decreased activity, he said, was that the developer and contractor decided not to proceed with construction until the "tunnel" format had been thoroughly studied. Tunnel construction, he said, is a better type of construction as it is both fire and sound proof. Mr. Bailey referred to a telex from the tunnel construction manufacturer which states that the entire project construction could be completed within 44 working days.

Mr. Graver asked why the petitioner did not communicate this new construction technique to the Community Development Department. Mr. Bailey reiterated his belief that there would be no problems with this type construction and said he felt that it could still be completed "on-time".

COUNCIL MEMBERS

MOTION

SECTION

VOTE YES NO

ABSENT

After a brief discussion regarding the benefits of "tunnel" construction, City Attorney Rynders asked if the developer was of the position that work was never suspended or abandoned. In response, Mr. Bailey said that he did not feel the work had ever been suspended and noted that this new technique greatly reduced the building weight which is why the site had not been further excavated.

Vice-Mayor Richardson pointed out that the petitioner would have to revise the building plans because of this different technique. That has been taken into consideration, Mr. Bailey said, and referred to the project's time schedule (a copy of which can be reviewed from the meeting packet in the City Clerk's office).

Mr. Bledsoe asked if the developer had made any payments to the contractor or supplier to which Mr. Bailey replied that he did not bring those records.

Mr. Barnett asked if the building was going to be a Radisson Hotel and if the developer could supply the Council with a letter of intent from the Radisson franchiser. Mr. Bailey again responded that those records were in his office. Mrs. Anderson-McDonald asked the developer to bring that document along with proof of financial stability of the contributing partners (CPA audited statements documenting value and ability to perform) for the project. She then suggested that Mr. Goodlette, attorney for the petitioner, contact the City Attorney to insure that all substantiating information required by Council and the City Attorney be submitted.

Mr. Barnett then inquired as to the course of action the City could take should the Council decide to reinstate the building permit and the developer fail to complete the project on-time. Mr. Jones said that any future action with reference to this matter would be at Council's discretion.

City Attorney Rynders reiterated that the issue before Council was whether construction had been abandoned or suspended, not if the project can be completed within a certain time frame. He said that upon his visits to the site, he has not seen any evidence to disprove that the project has not been abandoned. If evidence were submitted to the Council of what work has transpired or bills paid to contractors, then, Council could determine whether such construction indeed had or had not been suspended or abandoned. A new construction technique, he said, does not warrant good cause for such suspension. Mr. Goodlette argued that the Code does not spell out the suspension or abandonment processes fully and believed that his clients were within their rights.

City Attorney Rynders asked Mr. Terry Hoff of Crown Construction what work had occurred on the site since the issuance of the building permit. Mr. Hoff replied that the temporary power was hooked-up on March 9, 1987 and excavation of the site then began. After excavation procedures started, the developer asked Crown Construction to look at other structure techniques for the building, Mr. Hoff said.

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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson-McDonald Barnett Bledsoe Crawford Graver Richardson Putzell					
			CONSENSUS		X

Mr. Graver asked Mr. Hoff if he believed the building could be constructed within the time frame given and Mr. Hoff said that he did.

Mr. Bob Utter, President of Collier Electric Company, said that his company would have no problems completing the project within the given time frame. In response to Mr. Bledsoe, Mr. Utter said that he was not sure whether his company had been paid for the work performed.

Ms. Mary Chenery, Secretary/Treasurer of the Naples Bay Club, made a brief statement herein included as Attachment #3.

Vice-Mayor Richardson suggested delaying any decision upon the reissuance of this permit until the developer could provide the City with updated building plans using the "tunnel" construction technique. City Attorney Rynders reiterated that it was the petitioner's responsibility to present substantiating evidence that construction had not been abandoned or suspended.

It was the consensus of Council to table this item until the October 7, 1987, meeting to allow the petitioner sufficient time to submit appropriate site plans.


City Attorney Rynders confirmed for Mr. Goodlette that the permit has only been delayed and if reinstated would be effective for the same amount of time as before it was revoked.

*** **

CORRESPONDENCE AND COMMUNICATIONS: None.

*** **

ADJOURN: 12:00 p.m.


 LYLE S. RICHARDSON, Vice-Mayor

JANET CASON
 CITY CLERK

JODIE M. O'DRISCOLL
 DEPUTY CLERK

These minutes of the Naples City Council were approved on OCT 07 1987.

SUPPLEMENTAL ATTENDANCE LIST

Charles Andrews
George Morris
Dr. Robert Palmer
George Varnadoe
Hubert Howard
J. Dudley Goodlette
John T. Bailey

Egon Hill
William Tiffany
Dick Tucker
Fr. Thomas J. Goggin
C. Lodge McKee
Robert Utter

Mario LaMendola
Herb Anderson
Ed Beekman
C. C. Holland
Mary Chenery
Frank Vellake

Other interested citizens and visitors.

NEWS MEDIA

Marty Bonvechio, Naples Daily News
Beverly Cameron, WINK-TV
Randy Rauch, WEVU-TV

Terri Cerchio, TV-10 Palmer
William Upham, Naples Times
Gary Arnold, WEVU-TV

c/o Chris Darlington
2600 Tarpon Rd.
Naples FL 33962

Sept. 8, 1987

Ref: Building Set-back Variance at 2600 Tarpon Rd.

To Whom It May Concern:

It is our understanding that a building set-back variance is required for the repair of an existing structure at 2600 Tarpon Rd.

As this structure has been in place prior to the construction of our home next door in 1976, we can offer no objection to such a variance.

Respectfully submitted,

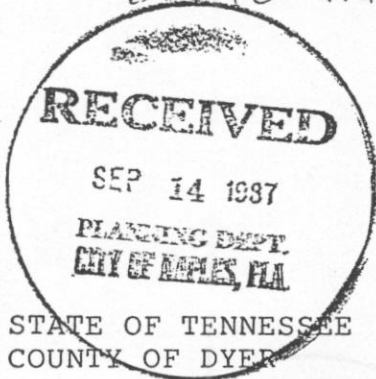
H. G. Herrmann, Jr.
H. G. Herrmann, Jr.
Nadine H. Herrmann
Nadine H. Herrmann

2560 Tarpon Rd.
Naples FL 33962



SEPT. 4, 1987

TO WHOM IT MAY CONCERN,
 I HAVE MET WITH CRIS DARLINGTON,
 AND HAVE NO OBJECTION TO THE
 PROPOSED CONSTRUCTION AT 2600 TARPON RD.
 OUR PROPERTY IS NEXT DOOR.
 2610 TARPON RD. -



Lee O. Brayton Jr. 9/9/87
 Pres. Dyersburg Develop. Co

Personally appeared before me, Hester Faye Hill, Notary Public in and for said County, Lee O. Brayton, Jr., with whom I am personally acquainted and acknowledged that he executed the above instrument for the purpose herein contained.

Witness my hand and Notarial Seal in Dyersburg, Tennessee, this 9th day of September 1987.

Hester Faye Hill

My Commission expires June 22, 1988

Good Morning Council Members and other officials:

I am Mary Herbert Chenery, Secretary/Treasurer of the Naples Bay Club which abutts the Bayside Hotel Project.

Last Fall I appeared before you representing the Board of Directors and many members of NBC. It was the concensus that we would try to cooperate with the project and went on record as "not opposing this project as presented at that time." We did request, and it was verbally agreed to, that there be no cement wall within feet of the north side of the #300 building but rather, the properties should be separated by trees and hedges. We raised the question of our sewer lines and sprinkler systems which are in land repossessed by the developer and it was verbally agreed to that the sewer lines and the sprinkler systems would be realigned at the Bayside Hotel expense. Though considerable time has passed, none of this has been presented to the Association in writing.

We were given to believe the project would be complete by early 1988. We, the neighbors, can witness daily what was and what was not done on that land.

Now, however, NBC owners have serious reservations. It isn't the idea of a hotel that gives us concern, it is the misleading facts and circumstances relating to land, boundaries, building location, funding, PAB approval of new construction materials, time projection and statements of project supervisors.

#1. WHO IS THE DEVELOPER?

We would like to know who the officers are of the "Development Management Group" -- Is it incorporated?

Mr. Robert R. Crans owns the land. The Bayside Hotel plans in the City Building Department have the name of Robert R. Crans on them. Mr. Crans is the developer of the Naples Bay Club.

In 1974 Mr. Crans won an appeal over the City of Naples to construct a ten story twin tower hotel and racquet club on this very land -----and then-----Mr. Crans abandoned that project.

Mr. Crans is the one who constructed the sewer lines for the NBC #300 building on land he reclaimed in 1983 and is said to be selling to the Bayside Hotel Group for parking -- a requisite of the City.

According to the Association's attorney, Mr. Crans has offered, as part of a settlement with the Association, to grant an easement for the sewer lines and sprinkler systems (rather than realign them) as long as the Association maintains the land.

I ask you, how can the same land be granted in an easement for sewer-lines and sprinkler systems and at the same time be cut away for asphalt parking for the hotel?

#2 FUNDING

According to the Naples Daily News this week, "Terry Hoff of Crown Construction Corp., contractor for the Bayside Hotel, said his firm was waiting for the developers to get their loans to build the project." Does that mean he is still waiting? He has been waiting since he started breaking ground in April. We have been told that the single man working or pushing ground into that monstrous hill was being paid weekly because Crown Construction had no contract.

Question -- Is there actual available funding to justify allowing this project to proceed? Might this project be abandoned as the Twin Towers project was in 1974?

#3 BUILDING LOCATION

The plans say the front of the hotel is on US #41. However, the planners would not allow a drive cut in on US #41. The entrance will be in an alley or on River Pt. Drive.

The front of the NBC #300 building is recessed but faces River Pt. Drive. Since the Bayside plans say the front of the hotel is on US #41, the developers contend the part of the hotel abutting the NBC #300 building is the "SIDE" of the hotel which allows, they claim, a set back of only 10 feet from their land boundary. Thus, 33 feet from the NBC bedroom windows will be a five story hotel wall.

Speaking of 10' side set backs, when this same developer reclaimed the land in front of the NBC #300 building, he also reclaimed the north side of that building allowing only a 5' side set back, making that building a non-comforming use despite the letter in 1985 from the Building Department stating he had to allow 10 foot side set backs.

THIS IS STILL WITHIN THE ABILITY OF THE CITY TO RECTIFY.

In addition to these infringements on NBC, the developer is

currently pressuring the Association to relinquish a dock and riparian rights on the Gordon River side of the #300 building to sell same to the hotel project.

Our developer, Mr. Crans was fined \$10,000.00 by the State in September 1983 for Condo violations and was ordered to turn the Association control over to the owners within 90 days.

If the City officials are serious about proper and decent development, should they not investigate this project as regards to control, funding, compliance, etc., before consideration is given to REISSUE of the permit?

Especially since there is no such construction in or around Naples, should this new plan of construction not be approved by the Planning board before it is considered by City Council?

Again, many owners of the Naples Bay Club do not oppose the hotel concept, but we do implore our City officials to protect this very desirable piece of real estate in the heart of Old Naples.

Thank you.

Mary A Chener

800 River Point Drive, #321

Naples Florida 33942

Home: 775-2180; Office 262-7117