



City of Naples

City Council Minutes
 Regular Meeting 08/03/88

City Council Chamber
 735 Eighth Street South
 Naples, Florida 3394

| -SUBJECT- | Ord. No. | Res. No. | Pa |
|---|-------------|-------------|----|
| <u>ANNOUNCEMENTS</u> | | | |
| MAYOR PUTZELL: None. | | | 1 |
| CITY MANAGER JONES: None. | | | 1 |
| APPROVAL OF MINUTES: July 13, 1988, Workshop | | | 1 |
| <u>RESOLUTIONS</u> | | | |
| -APPROVE application to DNR for State funding assistance relating to partial removal of timber groins. | | 88-5584 | 1 |
| -TABLE request to DNR to designate certain areas within Naples Bay as restricted wake areas. | | 88-_____ | 2- |
| -APPROVE variance from zoning code relating to square footage minimum, Seventh Avenue North and Eighth Street North. | | 88-5587 | 6 |
| -APPROVE vacation of utility easements, Naples Community Hospital. | | 88-5591 | 7 |
| -APPROVE variance from Code to allow six-foot wooden fence, 180 8th Avenue South. | | 88-5590 | 7 |
| -APPROVE franchise agreements with Naples Transit, Inc., and Naples Trolley Tours, Inc. | | 88-5592 | 8- |
| -APPROVE rescinding Resolution No. 87-5381, pedicab franchise. | | 88-5593 | 9 |
| <u>ORDINANCES - Second Reading</u> | | | |
| -ADOPT franchise agreement with United Telephone Company. | 88-5585 | | 5 |
| -ADOPT amendment to Code relating to beach parking. | 88-5586 | | 5 |
| -ADOPT rezone property from R3-12 to O, Seventh Avenue North and Eighth Street South. | 88-5588 | | 5- |
| -ADOPT amendment to approved site plan to allow single family lots. | 88-5589 | | 6 |
| <u>DISCUSSION/ACTION</u> | | | |
| -DETERMINATION OF AREA TO BE DESIGNATED PD (PLANNED DEVELOPMENT) AT THE SHORE STATION OR THE KEEWAYDIN CLUB IN THE FUTURE COMPREHENSIVE PLAN. | | | 9- |

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:05 a.m.

Date 08/03/88

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
John T. Graver
Paul W. Muenzer
Lyle S. Richardson,
Councilmen

Absent: Alden R. Crawford, Jr.,
Councilman

Also Present:

| | |
|---|---|
| Franklin C. Jones, City Manager | Norris C. Ijams, Fire Chief |
| David W. Rynders, City Attorney | Wayne Martin, Fire Marshal |
| Mark W. Wiltsie, Asst. City Manager | Jon C. Staiger, Ph.D. Natural Resources Mgr. |
| Ann "Missy" McKim, Community Dev. Dir. | Paul C. Reble, Police Chief |
| Gerald L. Gronvold, City Engineer | Stephen R. Ball, Chief Planner |
| James L. Chaffee, Utilities Director | Ann Walker, Planner I |
| Patricia "Trish" Heinonen, Planner II | Susan Matthews, Planning Technician |
| Jodie M. O'Driscoll, Deputy Clerk | George Henderson, Sergeant-At-Arms |

See Supplemental Attendance List - Attachment #1.

*** **

INVOCATION: Fr. Thomas Goggin ITEM 1
St. Ann R.C. Church

*** **

ANNOUNCEMENTS ITEM 3

MAYOR PUTZELL: None.

CITY MANAGER JONES: None.

*** **

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

APPROVAL OF MINUTES ITEM 4

July 13, 1988, Workshop Meeting

*** **

---RESOLUTION NO. 88-5584 ITEM 5

A RESOLUTION RATIFYING AND CONFIRMING THE ACTION OF THE MAYOR IN EXECUTING AN APPLICATION TO THE FLORIDA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF BEACHES AND SHORES, FOR STATE FUNDING ASSISTANCE RELATING TO THE PARTIAL REMOVAL OF FOUR (4) GROINS FROM THE NAPLES BEACH; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

MOTION: To APPROVE the Consent Agenda as presented.

| 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 | |
| Barnett | | | | X | |
| Crawford | | | | | |
| Graver | | | X | X | |
| Muenzer | | | | X | |
| Richardson | | | X | X | |
| Putzell | | | | X | |
| (6-0) | | | | | |

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| COUNCIL MEMBERS | MOTIONS | SECTIONS | VOTE | | ABSEN |
|-----------------|---------|----------|------|----|-------|
| | | | YES | NO | |
| | | | | | |

*** **

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

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

---RESOLUTION NO. 88- ITEM 6

A RESOLUTION REQUESTING THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF MARINE RESOURCES, TO DESIGNATE CERTAIN AREAS WITHIN NAVIGABLE WATERWAYS OF THE CITY OF NAPLES AS RESTRICTED ZONES FOR THE PURPOSE OF REGULATING BOAT SPEEDS AND WAKES IN SUCH AREAS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:44 a.m.
Closed: 10:40 a.m. :

Assistant City Manager Wiltsie explained that staff had prepared this resolution for a slow down - minimum wake application to the State pursuant to several workshop discussions with Council and representatives from area property owners associations and commercial boaters.

Councilman Graver noted that the meeting had been scheduled to begin at 9:30 a.m. and suggested this item be delayed until that time.

It was the consensus of Council to delay this item until the time so advertised.

Attorney John Thomas, representing commercial boating interests, read a prepared statement into the record (Attachment #2). He suggested the City enforce current boating regulations and send violators to boating safety schools. Mayor Putzell asked if Attorney Thomas believed slow down - minimum wake zones were legal. Mr. Thomas responded that he believed so under certain circumstances, such as low bridges and navigational hazards.

Councilman Graver said that after speaking with a representative from the Army Corps of Engineers, he believed the Corps supported local government jurisdiction of inland waterways. Attorney Thomas, however, disagreed and said that the Federal government was concerned with the use of any inland waterway which maintained commercial boat traffic. He then suggested the City establish a schedule of conferences with representatives from the Army Corps of Engineers, Coast Guard, Florida Marine Patrol, commercial boaters and area property owners to further discuss this issue.

Referring to future dredging activities in the Bay, Attorney Thomas said that Federal funds would not be made available to inland waterways which inhibit commercial boaters. Mayor Putzell suggested that staff contact the Corps and request an opinion letter to determine if the designation of a slow down - minimum wake in Naples Bay would exclude the City from receiving Federal grant monies. City

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| COUNCIL MEMBERS | MOTION | SECOND | VOTE | | ABSENT |
|--|--------|--------|------|----|--------|
| | | | YES | NO | |
| <p>Manager Jones recommended that Council approve the resolution subject to receipt of a response from the Corps.</p> <p>City Attorney Rynders pointed out that this resolution simply requested the State to designate a portion of Naples Bay as slow down - minimum wake zone. The State Department of Natural Resources could deny such a request if it believed there to be no navigational hazards present. It is a possibility the Corps may decide that the inland waterway use is too restrictive for commercial interests and choose not to expend funds for future dredgings. Mrs. Anderson-McDonald asked if this request increased that possibility to which Attorney Rynders advised that it did not.</p> <p>Captain Allen Walburn, representing Naples Charter Boat and Naples Fishing Guide Associations, advised that there is a proposal before the Legislature to sunset existing no wake zones in order to facilitate boating. He continued that his vessel could not navigate the Bay even at idle speed without extruding white water which would be in violation of the slow down - minimum wake.</p> <p>Mr. R. J. Baker, Naples Bay property owner, said he believed the proposal to be a fair compromise and further believed this designation would only increase travel time for commercial boaters by 20 minutes.</p> <p>Marina owner Philip O'Connor opposed the proposed resolution because he did not believe it to be a fair compromise. Councilman Anderson-McDonald asked what he believed to be a fair compromise to which Mr. O'Connor said the Bay should be policed more often during certain times of the year.</p> <p>Citizen Phil Wood suggested property owners install rip rap to protect their land from wave action instead of penalizing boaters. Mrs. Anderson-McDonald asked if he was representing the commercial boating interest and if he lived on the waterways. Mr. Wood replied negatively to both inquiries.</p> <p>Attorney Tom Biggs, representing property owner George Cramer, spoke in support of the proposed resolution and said he did not believe it would take more than 8.9 minutes to traverse that portion of the Bay designated slow down - minimum wake.</p> <p>Citizen Kathleen Sherwin advised she has owned waterfront property since 1960 and did not believe commercial boaters to be at fault regarding excessive wakes. She suggested that all boaters be required to obtain a license, similar to a drivers permit, to operate a boat. Mr. Mark Moran concurred.</p> <p>In response to Mayor Putzell, City Manager Jones explained that it was not practical to increase the Naples Marine Patrol in the Bay, to do so would require a patrolman in the area at all times which boats operate in the Bay. The purpose of this resolution is to ask for a minimum wake designation in order to reduce the wave action generated.</p> | | | | | |

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| COUNCIL MEMBERS | M O T I O N | S E C O N D | VOTE | | P E S E N T |
|---------------------------|--|----------------------------|-------------|--------|----------------------------|
| | | | Y E S | N O | |
| | Officers could be trained to determine between hazardous and safe wakes. Mr. Jones then suggested that those groups opposed to the designation of a slow down - minimum wake zone contact the appropriate State agencies and present their arguments. | | | | |
| | Councilman Graver asked why the Naples Marine Patrol was not in attendance to answer questions. City Manager Jones advised that he had discussed this issue in depth with both the marine patrol and Police Chief Paul Reble and believed that in his capacity as City Manager, he could adequately represent them. | | | | |
| | <u>Mrs. Anderson-McDonald moved to table this item until staff could obtain an opinion from the Corps regarding funding for future dredging activities in the Bay if this zone was implemented.</u> | | | | |
| | Mr. Richardson suggested the boating industry combine forces to educate and train boaters. This could be done by literature or actual instruction before renting a boat. Mrs. Anderson-McDonald concurred and strongly urged those commercial boaters in attendance to bring viable solutions back to Council for its consideration. | | | | |
| | Referring to the tremendous amount of traffic on the waterways, Councilman Muenzer advised that he had observed the use of Naples Bay on several occasions and had consistently found commercial boaters obey maritime law; however, there are many pleasure boaters who are ignorant of this law, and create hazardous conditions which inhibit property owners from launching their own boats. He further supported the City Manager's recommendation to implement this slow down - minimum wake in an effort to deter those boaters who ignore safe boating procedures. | | | | |
| | Mayor Putzell and Mr. Barnett asked the cost for an additional patrolman in the Bay. City Manager Jones approximated that for every person added it would cost \$25,000 plus an additional \$19,000 for the boat. Mrs. Anderson-McDonald suggested that patrolmen be present at the next discussion of this issue to advise what training or tools they would require to enforce these zones. | | | | |
| | <u>It was the consensus of Council that this item would be brought back for discussion at the first regular meeting in October.</u> | | | | |
| | <u>MOTION:</u> To <u>TABLE</u> this item until the first regular meeting in October. | | | | |
| Anderson-McDonald | | X | X | | |
| Barnett | | | X | | |
| Crawford | | | X | | |
| Graver | | X | X | | |
| Muenzer | | | X | | X |
| Richardson | | | X | | |
| Putzell | | | X | | |
| (5-1) | | | | | |
| *** | *** | *** | | | |
| -----SECOND READINGS----- | | | | | |
| -4- | | | | | |

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| COUNCIL MEMBERS | MOTIONS | VOTE | | ABSENT |
|--|---------|------|----|--------|
| | | YES | NO | |
| <p>---ORDINANCE NO. 88-5585 ITEM 7</p> <p>AN ORDINANCE GRANTING TO UNITED TELEPHONE COMPANY, A FLORIDA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE TELEPHONE, TELEGRAPH AND TELEPHONIC RADIO AND OTHER TYPES OF COMMUNICATION SYSTEMS IN THE CITY OF NAPLES, COLLIER COUNTY, FLORIDA, FOR A PERIOD OF FIVE (5) YEARS FROM EFFECTIVE DATE HEREOF, AND PRESCRIBING CONDITIONS, LIMITATIONS, RESERVATIONS AND PROVISIONS RELATING THERETO. PURPOSE: TO GRANT UNITED TELEPHONE COMPANY, A FLORIDA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO OPERATE WITHIN THE CITY OF NAPLES.</p> <p>Title read by City Attorney Rynders.:</p> <p>PUBLIC HEARING: Opened: 9:12 a.m. Closed: 9:12 a.m.</p> <p>No one present to speak for or against.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the ordinance as presented at second reading.</p> <p>*** . *** ***</p> | | | | |
| Anderson-McDonald | | X | | |
| Barnett | X | X | | |
| Crawford | | | | X |
| Graver | | X | | |
| Muenzer | | X | | |
| Richardson | X | X | | |
| Putzell (6-0) | | X | | |
| <p>---ORDINANCE NO. 88-5586 ITEM 8</p> <p>AN ORDINANCE AMENDING SECTION 23-14(a)(2) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Opened: 9:15 a.m. Closed: 9:15 a.m.</p> <p>No one present to speak for or against.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the ordinance as presented at second reading.</p> <p>*** . *** ***</p> <p>-----END SECOND READINGS-----</p> <p><u>COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES PLANNING ADVISORY BOARD</u></p> | | | | |
| Anderson-McDonald | | X | | |
| Barnett | | X | | |
| Crawford | | | | X |
| Graver | | X | | |
| Muenzer | X | X | | |
| Richardson | X | X | | |
| Putzell (6-0) | | X | | |
| <p>---ORDINANCE NO. 88-5588 ITEM 9</p> <p>AN ORDINANCE REZONING THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SEVENTH AVENUE NORTH, AND EIGHTH STREET NORTH FROM "R3-12", MULTI-FAMILY RESIDENTIAL TO "O", OFFICE, IN ORDER TO CONSTRUCT A SINGLE-STORY OFFICE BUILDING; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE PROPERTY AT REQUEST OF OWNER.</p> | | | | |

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| COUNCIL MEMBERS | MOTION | SECTION | VOTE | | ABSENTEE |
|--|--------|---------|------|----|----------|
| | | | YES | NO | |
| <p>---RESOLUTION NO. 88-5587</p> <p>A RESOLUTION GRANTING A VARIANCE FROM SECTION 12-A OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES WHICH REQUIRES A MINIMUM OF 40,000 SQUARE FEET OF LAND AREA TO BE CONSIDERED FOR REZONING IN ORDER TO REZONE A 15,000 SQUARE FOOT PARCEL FROM "R3-12", MULTIFAMILY RESIDENTIAL, TO "O", OFFICE AT THE CORNER OF SEVENTH AVENUE NORTH AND EIGHTH STREET NORTH; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Titles read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Opened: 9:18 a.m. Closed: 9:18 a.m.</p> <p>No one present to speak for or against.</p> <p>City Attorney Rynders advised that the variance must be approved prior to adoption of the ordinance.</p> <p>MOTION: To APPROVE the resolution as presented.</p> <p>MOTION: To ADOPT the ordinance as presented at second reading.</p> <p>*** **</p> | | | | | |
| Anderson-McDonald | | | X | | |
| Barnett | | | X | | |
| Crawford | | | | | X |
| Graver | | | X | | |
| Muenzer | X | | X | | |
| Richardson | | X | X | | |
| Putzell (6-0) | | | X | | |
| <p>Anderson-McDonald</p> | | | | | |
| Barnett | | | X | | |
| Crawford | | | X | | X |
| Graver | X | | X | | |
| Muenzer | | | X | | |
| Richardson | | X | X | | |
| Putzell (6-0) | | | X | | |
| <p>---ORDINANCE NO. 88-5589 ITEM 10</p> <p>AN ORDINANCE APPROVING AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN FOR PROPERTY LOCATED ON THE NORTH SIDE OF NINTH AVENUE SOUTH, BETWEEN SEVENTH AND EIGHTH STREETS SOUTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PERMIT THE CREATION OF FIVE (5) SINGLE-FAMILY LOTS CONFORMING TO "R1-7.5", SINGLE-FAMILY RESIDENTIAL ZONING.</p> <p>Title read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Opened: 9:20 a.m. Closed: 9:20 a.m.</p> <p>Community Development Director McKim advised that currently there was one building with two units built upon the site. The petitioner has requested the current Planned Development (PD) be amended to allow construction of five single-family residences on the site. Both the Planning Advisory Board (PAB) and staff recommended approval.</p> <p>In response to Mr. Graver, Attorney Michael Coleman, representing the petitioner, said that it was his impression the PD included continuation of the existing sidewalk. <u>Councilman Graver asked that the record reflect approval of this ordinance with the stipulation that the petitioner would be required to ensure the continuation of the existing sidewalk.</u></p> <p>MOTION: To ADOPT the ordinance as presented at second reading.</p> | | | | | |
| Anderson-McDonald | | | | | X |
| Barnett | | | | | X |
| Crawford | | | | | X |
| Graver | | | | | X |
| Muenzer | | | | X | X |
| Richardson | X | | X | | X |
| Putzell (6-0) | | | X | | X |

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| COUNCIL MEMBERS | MOTION | SECTION | VOTE | |
|---|--|---|---|---|
| | | | YES | NO |
| <p>***</p> <p>---RESOLUTION NO. 88-5590</p> <p style="text-align: right;">ITEM 11</p> <p>A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.11 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, IN ORDER TO PERMIT CONSTRUCTION OF A PORTION OF A SIX-FOOT WOODEN FENCE AT 180 8TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Community Development Director McKim expressed concern that the meeting had started earlier than planned and the petitioner might not be in attendance; however, Mayor Putzell pointed out that it was 9:40 a.m. Mrs. McKim continued that the petitioner would like to erect a portion of a six-foot fence in the northern and southern corner of her back yard. Staff believes that the corner visibility would be obstructed if this were approved and have, therefore, recommended denial. City Manager Jones suggested Council approve the variance for only the northern portion of the fence because it does not interfere with visibility.</p> <p>In response to Council, Mr. Jones advised that if the petitioner installed a chain link fence, it would not interfere with visibility and it could still be buffered with hedges, providing that they are only three feet in height.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the existing northern portion of the fence and deny the southern.</p> <p>***</p> <p>---RESOLUTION NO. 88-5591</p> <p style="text-align: right;">ITEM 12</p> <p>A RESOLUTION VACATING AND ABANDONING UTILITY EASEMENTS LOCATED IN THE APPROXIMATE CENTER OF THE NAPLES COMMUNITY HOSPITAL'S SOUTH PARKING LOT, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Opened: 9:50 a.m. Closed: 9:50 a.m.</p> <p>City Attorney Rynders advised the the hospital had provided compensation to the City for the easement vacation in the amount of \$4,000.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the resolution as presented.</p> <p>***</p> <p>Council then returned to Item 6 before continuing with the agenda.</p> <p>***</p> <p>-----END COMMUNITY DEVELOPMENT/PAB-----</p> | <p>Anderson-McDonald</p> <p>Barnett</p> <p>Crawford</p> <p>Graver</p> <p>Muenzer</p> <p>Richardson</p> <p>Putzell</p> <p>(6-0)</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> |

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| COUNCIL MEMBERS | MOTION | SECTION | VOTE | |
|-----------------|--------|---------|------|----|
| | | | YES | NO |
| | | | | |

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

---RESOLUTION NO. 88-5592

ITEM 13

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE FRANCHISE AGREEMENTS WITH NAPLES TRANSIT, INC. AND NAPLES TROLLEY TOURS, INC. RELATIVE TO THE OPERATION OF PASSENGER TROLLEYS IN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie explained that since 1984, the City has had an exclusive franchise agreement with Naples Transit, Inc.; however, another firm from Marco Island had expressed an interest to operate in the City as well. Staff proposes that two non-exclusive franchise agreements be awarded for the trolley companies, with separate stops along the same route.

Mr. Ed Verdesca, president of Naples Transit, Inc., asked Council to consider renewing his exclusive franchise agreement. He then read a prepared statement into the record (Attachment #3) outlining recommendations by his company.

Councilman Graver asked if the Chamber of Commerce had endorsed Naples Trolley Tours, Inc., to which Mr. Verdesca replied he understood the Chamber only agreed to lease a portion of its property for \$500 per month.

In response to concerns regarding elimination of parking spaces on Fifth Avenue South, Mr. Wiltsie pointed out that only two such spaces would be utilized by the trolley, counteracted by a busload of visitors coming by trolley rather than car.

Mr. Dick Tomlinson, co-owner of Naples Trolley Tours, Inc., suggested two modifications to the agreement: allow advertising signs to be multi-color and add the trolley name to appropriate route signs. The addition of the trolley name on all signs will enable customers to clearly identify which trolley to avoid any confusion. Mr. Graver said he had taken the tour on Marco and asked why certain restaurants and stores were signalled out. Mr. Tomlinson advised that the merchants had paid for those announcements as part of their advertising package.

Referring to the franchise agreements, Councilman Muenzer recommended that a maximum trolley length be determined and stipulated in the agreements to avoid future conflicts.

Mr. Graver moved to approve an exclusive franchise agreement for Naples Transit, Inc. The motion failed for lack of a second.

In response to questions raised by Mr. Graver, City Attorney Rynders said that he did not support an exclusive franchise and suggested Council implement an ordinance similar to that of the horse drawn carriages and allow vendors to apply on a first-come

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| COUNCIL MEMBERS | MOTION | SECTION | VOTE | | ABSENT |
|-------------------|--------|---------|------|----|--------|
| | | | YES | NO | |
| Anderson-McDonald | | | X | | |
| Barnett | | | X | | |
| Crawford | | | | | X |
| Graver | | X | X | | |
| Muenzer | | | X | | |
| Richardson | X | | X | | |
| Putzell | | | X | | |
| (6-0) | | | | | |
| Anderson-McDonald | | | X | | |
| Barnett | | X | X | | |
| Crawford | | | X | | X |
| Graver | | | X | | |
| Muenzer | | | X | | |
| Richardson | X | | X | | |
| Putzell | | | X | | |
| (6-0) | | | | | |
| Anderson-McDonald | | X | X | | |
| Barnett | | | X | | |
| Crawford | | | | | X |
| Graver | | | X | | |
| Muenzer | | | X | | X |
| Richardson | X | | X | | |
| Putzell | | | X | | |
| (5-0) | | | | | |
| Anderson-McDonald | | | | | X |
| Barnett | | | | | X |
| Crawford | | | | | |
| Graver | | | | | |
| Muenzer | | X | X | | |
| Richardson | X | | X | | |
| Putzell | | | | | X |
| (2-4) | | | | | |
| FAILED | | | | | |

first-served basis if it wanted to limit the amount of trolleys.

MOTION: To APPROVE the resolution with the following amendments to the franchise agreements: 32 feet overall length maximum; allow multi-color signs; and add company name to route signs.

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---RESOLUTION NO. 88-5593 ITEM 14

A RESOLUTION RESCINDING RESOLUTION NO. 87-5318 WHICH AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE A FRANCHISE AGREEMENT RELATIVE TO THE OPERATION OF PEDICAB RIDES IN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie advised that this resolution would rescind approval of a previous franchise agreement for pedicabs which had never been executed.

MOTION: To APPROVE the resolution as presented.

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ITEM 15

DETERMINATION OF AREA TO BE DESIGNED PD (PLANNED DEVELOPMENT) AT THE SHORE STATION FOR THE KEEWAYDIN CLUB IN THE FUTURE COMPREHENSIVE PLAN.

City Manager Jones explained that during the amendment procedures for the Comprehensive Plan, it came to staff's attention that the land use intent for the parcel at the south end of Gordon Drive, known as the shore station, was unclear and needed some clarification. Council has been provided with two maps, Map A and Map B, which outlines different land use designations for the parcel.

Mayor Putzell pointed out that the City Attorney had advised there could be no public hearing on this issue because the public notice requirements had not been met. City Attorney Rynders pointed out that the Council would be voting in a legislative capacity and must, therefore, vote with the public's best interest.

Mr. Richardson moved to approve Map A which would specify the land use as limited commercial requiring a Planned Development (PD) rezone for existing commercial uses. Councilman Muenzer seconded the motion stating that he thought this map was the closest to the land use existing today.

Referring to a transcript of the proceedings from a previous Council meeting (a copy of which can be reviewed from the meeting packet in the City Clerk's office), Mrs. Anderson-McDonald clarified her position at the time she made the original motion. She said that her motion related to the 100' x 210'

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| COUNCIL MEMBERS | MOTION | SECTION | VOTE | | ABSENCE |
|-------------------|--------|---------|------|----|---------|
| | | | YES | NO | |
| Anderson-McDonald | | | X | | |
| Barnett | | | | X | |
| Crawford | | | | X | |
| Graver | | | X | | X |
| Muenzer | | | | | X |
| Richardson | | | | X | |
| Putzell (4-2) | | | X | | |

outlined as area two on Attachment #4 to be designated C1, the remainder of which to be zoned as R1-15. This, however, is not the motion currently on the floor. Councilman Graver concurred.

Mayor Putzell made a brief statement clarifying his position relating to the shore station (Attachment #5).

Mrs. Anderson-McDonald moved to accept the most recent map provided to the Council, Map B. (Attachment #6), including the survey map received by the Planning Department on May 12, 1988, (Attachment #7), and also to amend the language on Land Use 39 as follows: "... and one caretaker's unit, limited to the measured 100' x 210'. That no expansion of the current uses to support further development on Key Island are permitted. ... The "PD" zone shall also provide that residential uses be compatible with zoning R1-15."

In response to Council's concerns regarding existing land uses, City Attorney Rynders pointed out that was the reason for the PD requirement, such designation would allow those existing uses to remain as non-conformities, he said.

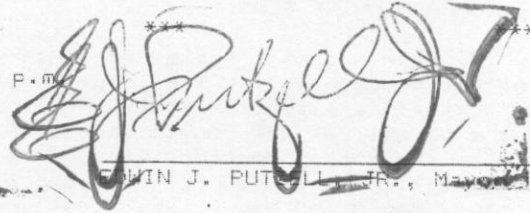
MOTION: To APPROVE Map B, dated August, 1988, for inclusion into the Comprehensive Plan and also the aforementioned amendments to Land Use Page 39.

*** **

CORRESPONDENCE AND COMMUNICATIONS: None.

*** **

ADJOURN: 12:13 p.m.



Janet Cason
 JANET CASON
 CITY CLERK

Jodie M. O'Driscoll
 JODIE M. O'DRISCOLL
 DEPUTY CLERK

These minutes of the Naples City Council were approved on August 17, 1988.

Attachment #1

SUPPLEMENTAL ATTENDANCE LIST

| | | |
|---------------------|-------------------------|----------------------|
| W.W. Haardt | Charles Andrews | M.J. "Casey" Miller |
| Herb Anderson | Bill Hill | Bill McGrath |
| Meg Gatley | Rep. Mary Ellen Hawkins | Gen. Roland Anderson |
| Judge Tom Trettis | Caroline Cabot | John Thomas |
| Allen Walburn | R.J. Baker | Philip O'Connor |
| Phil Wood | Tom Biggs | Kathleen Sherwin |
| Michael Coleman | Edward Verdesca | Dick Tomlinson |
| J. Carl Smith, III | Gary Beardsley | Archie Turner |
| W. Roy Smith | Roy I. Brack | James F. McGrath |
| Virginia B. Corkran | Gilbert V. Blanquart | Randolph I. Thornton |
| C.C. "Red" Holland | Wade H. Schroeder | William F. Bledsoe |
| Benjamin G. Parks | Harold E. Williams | |

Other interested citizens and visitors

NEWS MEDIA

| | |
|------------------------------------|----------------------------|
| Marty Bonvechio, Naples Daily News | Laurie Grant, Palmer TV-10 |
| Tim Haas, WBBH-TV | Allison Schaeffer, WINK-TV |

LAW OFFICES
JOHN H. THOMAS, P.A.
3037 S.W. Fourth Avenue
Miami, Florida 33129
(305) 858-2122

3 August 1988

To: City of Naples City Commission
Naples, Florida

Subject: Proposed minimum wake zones
in Naples Bay

LEGAL MEMORANDUM OF OPPOSITION TO CITY PLAN
FOR MINIMUM WAKE ZONES IN NAPLES BAY

This office represents numerous marine businesses and boat users who are vitally concerned with regulation of navigation upon Naples Bay. The proposed minimum wake zones presented for City Commission resolution would be seriously detrimental to boating interests. The following is a summary of cases, and statutory and administrative authority which show that the proposal should be denied.

Historically, when there are competing interests between land and waterway users, precedence has been given to waterway users. This is based upon the recognized importance of water transportation and maritime commerce in the development of this country. Uniformity of navigation laws and freedom to navigate remain basic elements of navigation regulation.

Justification for strong federal jurisdiction over navigable waters is based upon "the important national interest in uniformity of law and remedies of those facing the hazards of waterborne transportation," as stated in a 1982 U.S. Supreme Court decision. [Foremost Ins. Co. v. Richardson, 457 U.S.668,677 (1982)].

The federal power to regulate navigable waterways is a basic power granted by the Commerce Clause of the U.S. Constitution [U.S.Const.Art. I, Sec. 8].

It is without question that the waters of Naples Bay are "navigable waters" in the sense of federal authority and control over regulation of vessel navigation. An 1824 U.S. Supreme Court case established navigability as a key concept to permit federal regulation under the Commerce Clause. [Gibbons v Ogden, 22 U.S. (9 Wheat.)1 (1824)].

The federal government acts primarily to regulate navigation through the U.S. Army Corps of Engineers and the U.S. Coast Guard. [Rivers and Harbors Act of 1894, 33 U.S.C Sec. 403; Loving

v. Alexander, 745 F.2d 861 (4th Cir. 1984)].

The doctrine of federal navigational servitude holds that navigable waters are deemed to be public property of the nation. [U.S. v. Willow River Power Co., 324 U.S. 499(1945)].

The right of navigation through a waterway is independent of who has title to the adjacent land and the submerged land, or through what local jurisdiction the waterway may pass. This is not to say that either local or state authorities have no say in what regulations govern their local waterways. Obviously, state laws are in effect for regulating boat traffic much as state traffic laws control vehicle traffic of roads and highways. Just as limitations are imposed on state and local regulation of interstate highways, so there are similar limitations on regulation of interstate waterways. Naples Bay is, by definition, a federal navigable waterway because it is in fact navigable by vessels engaged in commercial operations in interstate and foreign commerce.

Any proposed regulation affecting navigation in Naples Bay must be presented to the state and federal authorities for their approval and enactment.

In Broward County, the city of Ft. Lauderdale posted speed limits on their principal waterway. These were found to be unenforceable and the signs were required to be removed.

In Key West, the city regulation prohibiting persons from living aboard their vessels unless docked at the City's marina was overturned and disallowed. [Dennis v. City of Key West, 381 So.2d 312 (3rd D.C.A. Fla. 1980)].

In connection with a regulated anchorage area in Miami, a 1982 memorandum from the U.S.Coast Guard's District Legal Officer states:

Regardless who has title to submerged lands beneath the navigable waters of the United States, such title is subject to a superior navigational servitude on the part of the United States. Appurtenant to such a servitude is the right to perform all the necessary incidents of navigation including reasonable anchorage...The City of Miami and / or the State of Florida may legislate or regulate vessels engaged in navigation or commerce upon the navigable waters of the United States only to the extent necessary to fulfill the "police" powers of the State/ municipal authorities and only where such regulations do not amount to a burden of hindrance upon commerce or navigation. The superior jurisdiction to regulate such matter exists in the United States acting chiefly through the Coast Guard and the Army Corps of Engineers... (emphasis added).

The navigation of boats through a navigable waterway which is historical and economically beneficial is dominant to the interests of adjoining landowners. The federal interest in its navigation will exclude any competing or conflicting interests. See, e.g., U.S. v. Twin City Power Co., 350 U.S. 222 (1956).

33 U.S.C. 403 prohibits the obstruction of the navigable capacity of any water of the United States except on plans recommended by the Corps of Engineers and authorized by the Secretary of the Army.

The Army Corps of Engineers has developed a detailed and specific regulatory scheme to govern navigable waterways, 33 C.F.R Part 320. It has adopted rules governing procedures for regulating navigable waters, 33 C.F.R Sec. 209.200, and administrative procedures for controlling obstructions to navigable waters, 33 C.F.R. Sec. 209.170. It has specific and detailed permitting procedures, 33 C.F.R. Part 325, with provisions for public hearings, 33 C.F.R. Part 327, and the enforcement of the overall regulatory programs of the Corps, 33 C.F.R. Part 326.

Where a detailed federal regulatory scheme exists and where its general thrust will be impaired by incompatible state action, that state action without more may be ruled pre-empted by federal law. [Three Affiliated Tribes v. Wold Engineering, 476 U.S. 877 (1986)].

The Commerce Clause of the U.S. Constitution contains an implied limitation on the power of the states to interfere or impose burdens on interstate commerce. [Western and Southern Life Ins. Co. v. State Board of Equalization, 451 U.S. 648, 652 (1981)]. When the law that is now codified as 33 U.S.C. Sec. 403 was adopted, "Congress meant thereafter no state should interfere with the navigability of a stream," [U.S. v. Rio Grande Dam & Irrigation Co., 174 U.S. 690, 708 (1899)], and that "nothing should be done by any state tending to destroy that navigability without the explicit assent of the national government....[so that] anything wherever done or however done, within the limits of the jurisdiction of the United States which tends to destroy the navigable capacity of one of the navigable waters of the United States, is within the terms of the prohibition." [Rio Grande Dam, 174 U.S. at 708.]

As mandated by Federal law, Florida's navigation laws are concerned with vessel traffic, not shoreline property damage:

Any person operating a vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so

as not to endanger the life, limb or property of any person...However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property..." Fla. Stat. 327.33(2) . (emphasis added)

"The department [DNR] shall have the authority for establishing, by rule, restricted areas on the waters of the state for any purpose deemed necessary for the safety of the public, including, but not limited to, boat speeds and boat traffic where such restrictions are deemed necessary based on boating accidents, visibility, tides, congestion, or other navigational hazards..." Fla. Stat. 327.46(1) (emphasis added)

General policies for evaluating permit applications for the Army Corps of Engineers are stated in 33 CFR 320.4; relevant portions are:

An inherent aspect of property ownership is a right to reasonable private use. However, this right is subject to the rights and interests of the public in the navigable and other waters of the United States, including the federal navigation servitude and federal regulation for environmental protection. 33 CFR 320.4(g)(1). (emphasis added)

A riparian landowner's general right of access to navigable waters of the United States is subject to the similar rights of access held by nearby riparian landowners and to the general public's right of navigation on the water surface. In the case of proposals which create undue interference with access to, or use of, navigable waters, the authorization will generally be denied. 33 CFR 320.4(g)(3). (emphasis added)

Protection of navigation in all navigable waters of the United States continues to be a primary concern of the federal government. 33 CFR 320.4(o)(3). (emphasis added)

District engineers should protect navigational and anchorage interests in connection with the NPDES program by recommending to EPA or to the state, if the program has been delegated, that a permit be denied unless appropriate conditions can be included to avoid any substantial impairment of navigation and anchorage. 33 CFR 320.4(o)(4). (emphasis added)

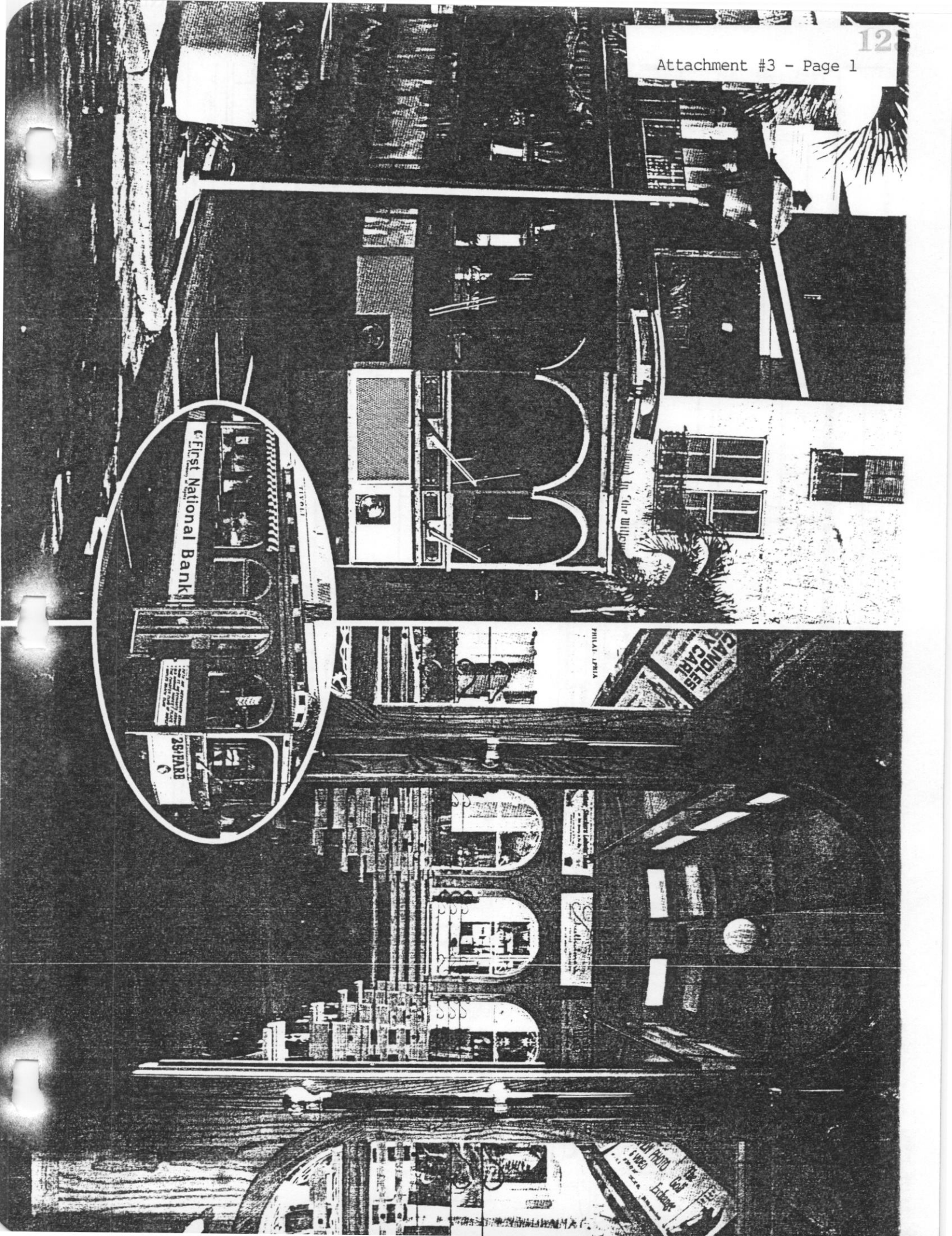
In its statement of criteria for consideration of permit applications for "structures for small boats, the Army Corps of

Engineers state:

...Particular attention will be given to the location and general design of such structures [piers, boat docks, moorings, platforms and similar structures for small boats] to prevent possible obstructions to navigation with respect to both the public's use of the waterway and the neighboring proprietors' access to the waterway. Obstructions can result from both the existence of the structure, particularly in conjunction with other similar facilities in the immediate vicinity, and from its inability to withstand wave action or other forces which can be expected... District engineers will encourage cooperative or group use facilities in lieu of individual proprietary facilities. 33 CFR 322.5(d). (emphasis added)

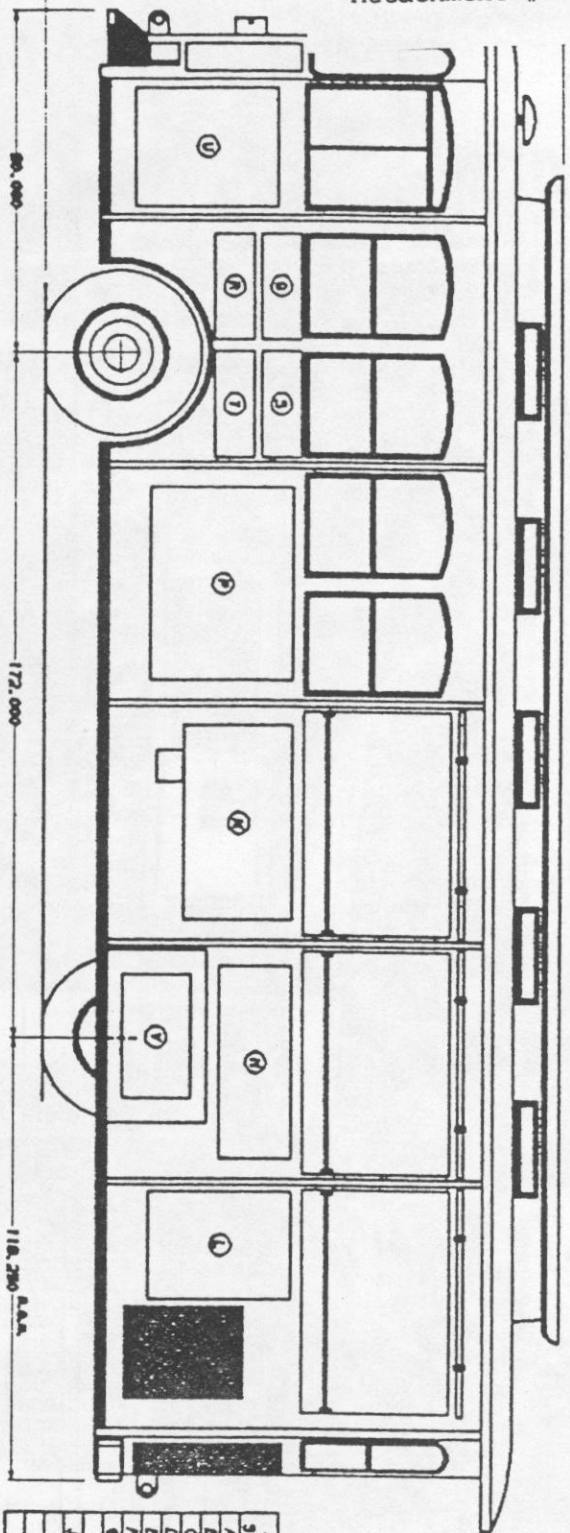
This clearly stated policy will require denial of permits for construction or reconstruction of docks, pilings and seawalls which are deemed in conflict with navigational uses of the waterway. Individual homeowners will then lose their individual docking privileges and be forced to use group docking facilities elsewhere.

This brief outline of the applicable cases, statutes and rules provides only a framework for the case to be made against the proposed minimum wake regulation. It is not intended to be a complete legal briefing of the issues, but does provide a fair summary of the policies which will ultimately cause denial of the minimum wake are being proposed.

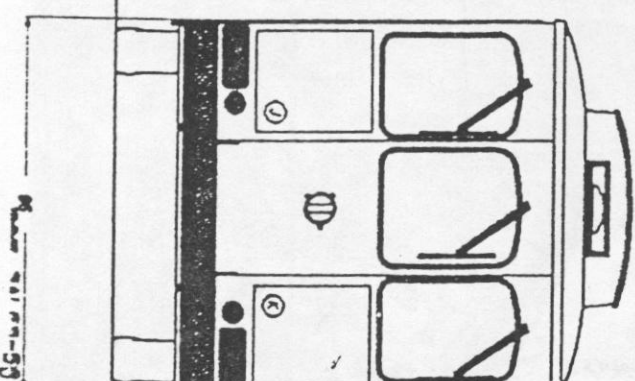
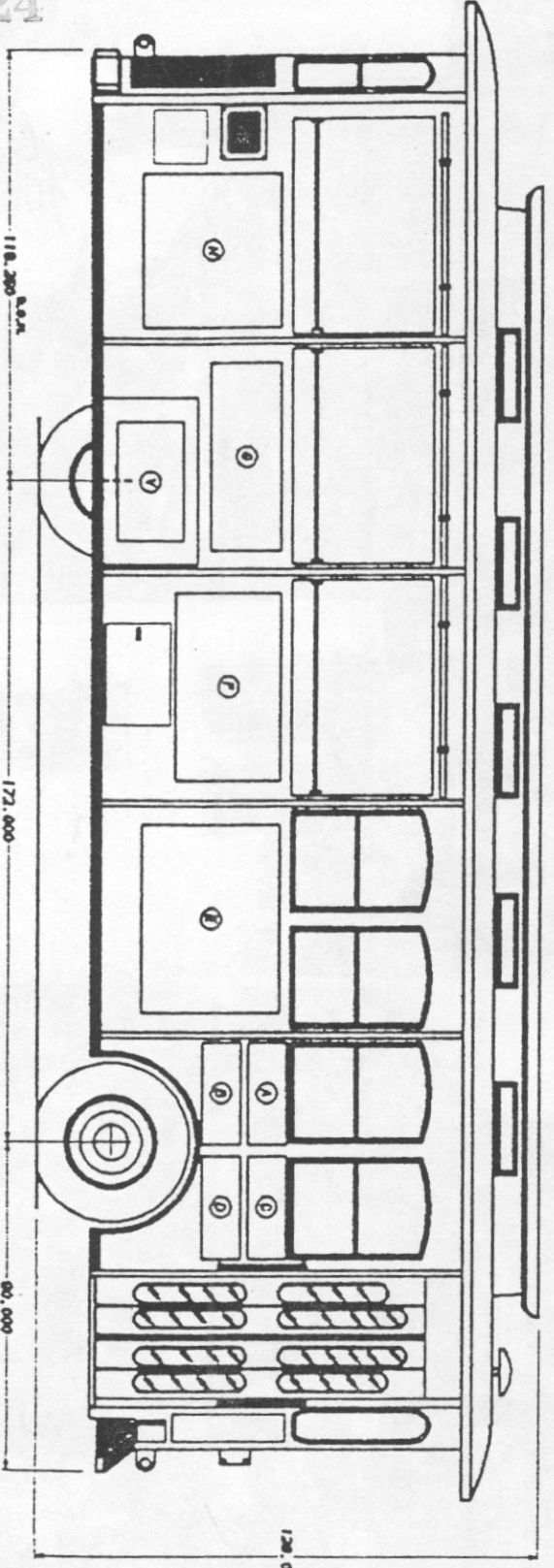


FEDERAL MOTORS, INC.

MARCO ISLAND TROLLEY
38 PASSENGER



| NO | DESCRIPTION | QTY | UNIT PRICE | TOTAL PRICE |
|-----|--------------|--------|------------|---------------|
| A/D | 10,25 X 20,5 | 8,125 | X 21,025 | 7,75 X 24 |
| B/A | 10,25 X 20,5 | 9,125 | X 23,025 | 7,75 X 24 |
| C/S | 10,25 X 20,5 | 9,125 | X 23,025 | 7,75 X 24 |
| D/T | 10,25 X 20,5 | 9,125 | X 23,025 | 7,75 X 24 |
| E/F | 20 X 40,75 | 35,025 | X 47,075 | 24,25 X 40,25 |
| G/N | 20 X 40,75 | 35,025 | X 47,075 | 24,25 X 40,25 |
| H | 30,75 X 40 | 17,025 | X 47,075 | 10,25 X 40,25 |
| J/K | 30 X 27 | 29,075 | X 28,125 | 24,25 X 27,5 |
| L | 30,75 X 27 | 35,025 | X 28,125 | 24,25 X 24,5 |
| V | 30,75 X 20 | 35,025 | X 29,125 | 24,25 X 27,5 |
| W | 17,200 X 21 | 10,275 | X 20,125 | 15 X 20,5 |



Mar 24/11-59

Naples Transit Company, Inc.

Naples Transit trolley

Signage

Naples Transit has set aside four areas for signage on each Trolley

| | | | |
|--------------|---------------|--------------|----------------|
| Driver Side | 22ft.X1.5ft.. | 33sq.ft. | 2 signs |
| Door Side | 20ft.X1.5ft. | 30sq.ft. | 3 signs |
| Rear | 8ftX 1.5ft. | 12sq.ft. | 1 sign |
| <u>Front</u> | 6ft.X1.5ft | <u>9q.ft</u> | <u>2 signs</u> |
| Total | | 84sq.ft. | 9 signs |

Trolley Tours

| | | | |
|------------|------------|----------------|----------------|
| DriverSide | 31.5ftX4ft | 126sq.ft | 16 signs |
| Door Side | 28.5ftX4ft | 114sq.ft | 14 signs |
| Front | 3ftX6ft. | 18sq.ft | 2 signs |
| Rear | 8ft.X4ft. | <u>32sq.ft</u> | <u>3 signs</u> |
| Total | | 290sq.ft* | 35 signs* |

Trolley Tours total area =810sq.ft.

25% of total area * =202sq.ft.

Current recommendations would allow Trolley tours to sell 202 one-square-foot signs placed sparodically over area of vehicle.

NAPLES TRANSIT RECOMMENDS THAT THE ORDINANCE SIGNAGE FOR TROLLEYS TO READ

Maximun Signage per Trolley

| | | | |
|---------------|------------|----------------|----------|
| Driver Side | one area | 36sq.ft | |
| Door Side | " | 36sq.ft | |
| Front | " | 12sq.ft | |
| <u>Rear</u> | " | <u>12sq.ft</u> | |
| Total Trolley | four areas | 96sq.ft | 12 signs |

Naples Transit Company, Inc.

On July 14th the City Staff indicated it would recommend to renew Naples Transit's franchise agreement. Based on this, Naples Transit began to recontract with all its current customers. Although all were aware of possible competition, most chose to recontract with Naples Transit prior to this Council meeting. The following have signed non-cancellable agreements committing tens-of-thousands of dollars to our firm for this service in 1989.

ASSOCIATIONS

| | |
|----------------------------------|-------------------------|
| *Fifth Ave South Business Assoc. | - 70+ retail businesses |
| Third Street Merchants Assoc | - 90+ retail businesses |
| *Old Marine Market Place | - 40+ retail businesses |
| Dockside Boardwalk | - 30+ retail businesses |
| Oak Plaza | -20+ retail Businesses |

HOTELS

Park Shore Resort
 Inn of Naples
 Quality Inn Gulfcoast
 Cove Inn
 Days Inn
 Comfort Inn
 Trails End Motel
 Stoneys Inn

OTHER

Dock at Crayton Cove

COMMUNITY SERVICE OR MINIMUM CHARGE STOPS

Jungle Larry's
 Conservancy
 Village Green
 Goodlette Arms
 Chamber of Commerce
 Laudermilk Park

The following agreements are awaiting completion.

HOTELS

Naples Beach Club
 Edgewater Beach Hotel
 Registry resort

STOPS

Naples Shopping Center
 Park Shore Plaza
 Coastland Mall
 Village-Neopolitan Way

*see attached letters



Very Definitely
5th AVENUE SOUTH

5th AVE. SOUTH DOWNTOWN BUSINESS ASSOC.
1700 N. TAMiami TRAIL • NAPLES, FLORIDA 33940

July 22, 1988

Mr Richard Anderson
President
Barnett Bank of Naples
Fifth Ave South
Naples, Florida 33940

Dear MR Anderson :

It has come to our attention that a new bus tour company has requested a parking space in front of your Fifth Ave Branch be removed and designated as a tour bus stop. Also your branch will be selling tour tickets, encouraging tourists to park on our street and ride to other areas of the city.

At our board meeting today it was voted that this action was not in the best interests of the 70 plus members of the Fifth Ave Association. Parking is already at a premium for our own customers and we do not want to encourage non-Fifth Ave users to have access to these parking spaces.

At this meeting we contracted with Naples Transit Company for the upcoming year and are encouraging the city that the three designated stops be utilized for this trolley companys passengers. We are formally asking you to reconsider endorsing this request and inform the city staff of this change.

Sincerely,
Carrie Burkhardt
Co-President

CC: Mayor Putzell

Naples Transit Company, Inc.

Trolley Stop Agreement Page 2

The Old Marine Market has had a trolley stop in front of its business for the exclusive use of Naples Transit Company for the last eight years. This stop has not interfered with any traffic nor caused any situation which could be deemed dangerous. We request that the city of Naples allow us to continue to post this sign in front of our business for the Naples Transit Company use in the future years.

Sincerely,

Donald C. Kelly, Mgr.

Naples Transit Company, Inc.

SUMMARY

The Third Street South Association, Fifth Ave South Business Association, Fifth Ave Parking Authority, The Old Marine Market Association and other affected areas have not had the opportunity to voice their opinion to council, although all (some in writing) are extremely concerned over the confusion of two competing systems, reduction in parking spaces, added expense in supporting two systems, and the incompatibility and probable end result of two separate systems neither of which will operate in the best interests of the community.

Naples Transit requests the following :

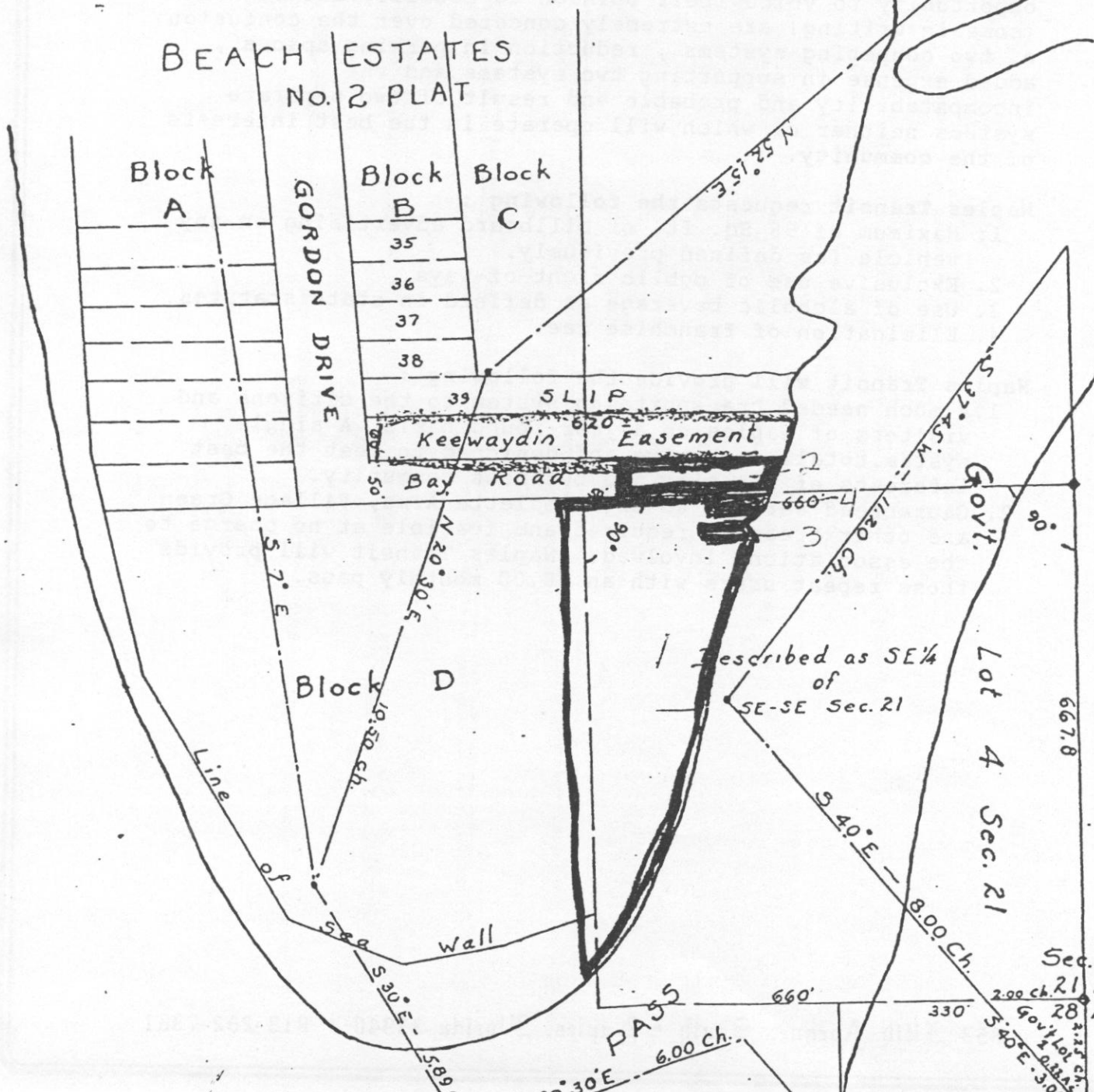
- 1: Maximum of 96 Sq. ft. of billboard advertising on any vehicle (as defined previously.)
2. Exclusive use of public right-of-ways.
3. Use of alcoholic beverage as defined in state statutes.
4. Elimination of franchise fee.

Naples Transit will provide the following :

1. A much needed transportation system to the citizens and visitors of Naples on a year-round basis. A single system, totally cohesive and designed to meet the best interests of the city and business community.
2. Guaranteed service to the Goodlette Arms, Village Green and other areas as required and feasible at no charge to the associations involved. Naples Transit will provide those repeat users with an \$8.00 monthly pass.

- 1 Green — Official Records Book 344, Page 244 and Official Records Book 552, Page
- 2 Orange — Deed Book 17, Page 50 and Deed Book 17, Page 58
- 3 Red — Deed Book 44, Page 139 and Official Records Book 344, Page 244.
- 4 Blue — Deed Book 7, Page 458 and Deed Book 10, Page 78

Gov't Lot 3 Sec. 21



GREEN

(a) Undivided 1/2 interest together with leasehold estate on remaining 1/2 acquired by Key Island, Inc., February 24, 1970, recorded in Official Records Book 344, Page 244, of the Public Records of Collier County, Florida.

(b) Undivided 1/2 interest acquired by Key Island, Inc., January 3, 1980, recorded in Official Records Book 852, Page 1191, of the Public Records of Collier County, Florida.

ORANGE

Acquired April 8, 1950 by Key Island, Inc., recorded in Official Records Book 17, Page 50, of the Public Records of Collier County, Florida.

- Note:
- (1) Description is difficult to plot and location may not be precise.
 - (2) Part of land acquired may have been conveyed to John G. Sample by deed dated May 31, 1950, recorded in Official Records Book 17, Page 58, of the Public Records of Collier County, Florida.

RED

Acquired by Key Island, Inc., September 28, 1955, recorded in Deed Book 44, Page 139, and conveyed to Gordon Pass Camp, Inc., April 6, 1957, recorded in Deed Book 7, Page 544, both of the Public Records of Collier County, Florida.

Apparently reacquired by deed on February 24, 1970, recorded in Official Records Book 344, Page 244, of the Public Records of Collier County, Florida.

Location and dimensions are approximated.

BLUE

Acquired by Lester J. Norris April 30, 1957, recorded in Deed Book 7, Page 458, and conveyed to Key Island, Inc. June 2, 1957, recorded in Deed Book 10, Page 78, both of the Public Records of Collier County, Florida.

AUGUST 3, 1988, REGULAR MEETING
MAYOR PUTZELL'S STATEMENT REGARDING THE SHORE STATION
ITEM 15

Mayor Putzell:

Well, I feel I have to say something because more people in town are trying to express publicly what my position is than I have myself. It seems to me that it might be appropriate for me to say a couple of words.

Almost immediately after I took office in February of 1986, I looked at the zone map of this City for the first time and did it with considerable detail. Two things concerned me with respect to the residential areas of this City as reflected on that map. One was the commercial zoning at the end of Gordon Drive and the other was the large number of multi-family zoned lots in the middle part of this City on which single-family residences then resided, or were situated. The latter I was concerned about because I could visualize the character of this town and the middle part changing as is now happening. The older single-family residences are being torn down, for one reason or another, and multi-family dwellings going into their place. The reason I was concerned about the commercial C1 zoning at the end of Gordon Drive was that it was obviously in a highly residential neighborhood and regardless of what was done, when it was so zoned a number of years ago, my limited learning with respect to today's zoning practices, both legally and ethically, drove me to wonder how appropriate it is in today's world. To the point where I then got a hold of Roger Barry, who was then Community Development Director, and I spoke with him about these two matters. The outcome of it was, as Hubie Howard knows, we rented a bus and the whole Planning Advisory Board, and Barry, and I, plus a member of the press named Bill Upham, rode around the City with a map that had been prepared and examined the sites that we had been talking about.

My view with respect to these matters really hasn't changed despite all the attributions by my so-called good friends in this community. I am as concerned now about those two matters as I was then. I feel that we have a legal and a moral obligation to grandfather the areas now being used for Key Island activities, now being used. They pretty much represent what Mrs. Anderson-McDonald was talking about in size, I believe. Because having walked over the area pretty carefully, while I recognize the zoning of the rest of it as being commercial, in point of fact, it doesn't appear to be used so, at least in the present past, because most of it seems to be heavily overgrown. It seems to me that it is appropriate and in keeping with the present day attitude that we limit the grandfathering through the PD process, which we have been talking about, to those areas now being used by Key Island. And so, I do support what Mrs. Anderson-McDonald says and I always have, although I have not spoken to this

MAYOR PUTZELL'S STATEMENT
August 3, 1988, Regular Meeting
Page Two

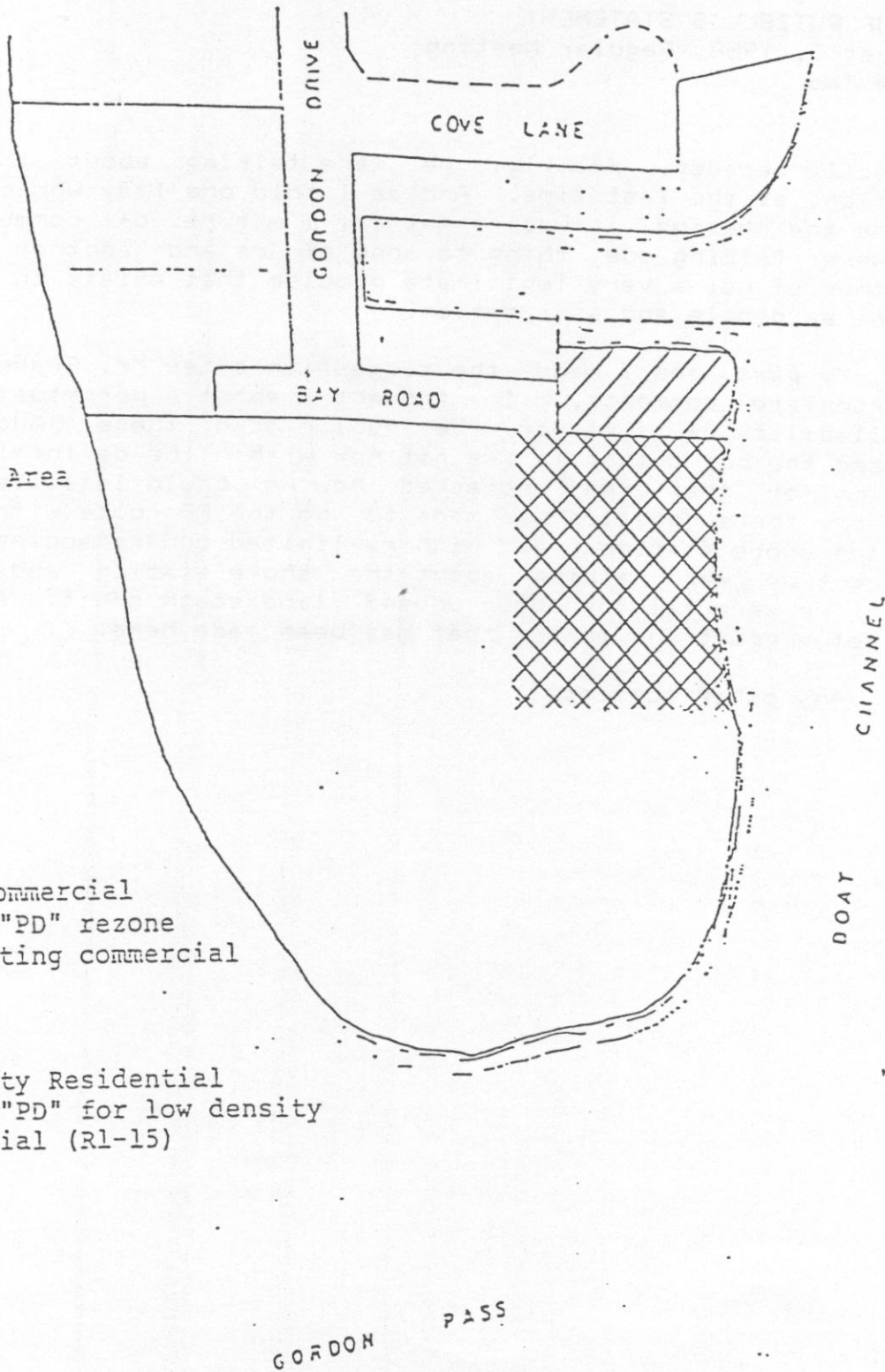
directly because, frankly, we were talking about the "shore station" at the last time. And as I told one lady who called me after the meeting, it was a matter, I'm sure, of communication. We were talking one thing to one of us and another thing to another of us; a very legitimate problem that exists in our daily lives as people and as a nation.

My part, and I made the suggestion after Mr. Graver's very appropriate comments, I thought about perpetuating the availability of fuel for the public down there. And when I raised the point that it was not now within the definition of the zoning for that area and asked how we could legalize it, in effect, the suggestion was made to go the PD route with respect to the shore station. And with my limited understanding of it, I thought we were talking about the shore station and I didn't think we were talking about unused land south of it. And so, I do not support the motion that has been made here.

Any other comments?

Map B

Figure FL 2
Shore Station Area



Limited Commercial
Require "PD" rezone
for existing commercial
uses



Low Density Residential
Require "PD" for low density
residential (R1-15)

