



City Council Minutes

Meeting August 8, 1990

City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

| -SUBJECT- | ORD. NO. | RES. NO. | PAGE |
|---|-------------|-------------|------|
| ORDINANCE - First Reading -APPROVE rules and regulations for convenience stores open between 10:00 p.m. and 6:00 a.m. | 90- | | 1 |

Date August 8, 1990

City of Naples

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

TO ESTABLISH RULES AND REGULATIONS FOR CONVENIENCE STORES THAT STAY OPEN BETWEEN 10:00 P.M. AND 6:00 A.M. IN ORDER TO REDUCE THE POTENTIAL OF LOST PROPERTY OR OF INJURY OR LOSS OF LIFE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that the State Legislature has proposed a statute which would require certain rules and regulations to be established locally for convenience stores which stay open between 10:00 p.m. and 6:00 a.m. in those communities where a violent crime in such establishments has occurred. Local municipalities have the option of passing more stringent ordinances prior to September 1, 1990, if they so desire. However, after that deadline, the State statute would be in effect and more stringent measures could not be passed, City Attorney Rynders pointed out.

Councilman Sullivan said that he would prefer the City pass an ordinance which would prohibit the sale of gasoline in the City between the hours of midnight and 5:00 a.m. rather than require gasoline stations to conform to the convenience store rules and regulations. Several of the local gasoline stations, such as Mobil, have strict franchise requirements which require them to stay open 24 hours, no matter what the cost.

City Attorney Rynders, however, pointed out this ordinance provides that either two clerks be on-duty or security measures such as a protective plastic shield, security camera, drop safe, and the like, be installed. The real cost burden (requiring two employees at all times) of this ordinance has been deleted, Mr. Rynders said.

If a convenience store does not comply with the State statute, then a \$5,000 fine can be imposed on the establishment. City Attorney Rynders explained that such incidences of non-compliance could be handled through the City's Code Enforcement Board.

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Mr. Kurt Ashley of Moorings Mobil asked for clarification relative to the Robber Prevention Certification required by the Police Department. Councilman Anderson explained that the City was reviewing several training programs for clerks to be trained in how to handle certain situations. City Attorney Rynders added that if the stores have a training program in place, it can be reviewed by the City for certification and approval.

Discussion then ensued as to whether this ordinance was more restrictive than the proposed State statute. City Attorney Rynders advised that the ordinance, as submitted, was no more restrictive than the State statute. Councilman Passidomo suggested that the City not move forward then unless it was going to provide more stringent regulations.

Councilman Herms asked staff for clarification prior to second reading relative to the size and type of signs required by the ordinance, foot candle illumination requirements, window display signs, and the number of hours required for certification.

Councilman Anderson referred to Article I, parentheses (a)(1) of the ordinance which provides that "mom and pop" stores would not have to comply. Those stores which are operated only by the owner during the restricted hours are currently exempt from the ordinance, she noted.

MOTION: To APPROVE the ordinance at first reading deleting sentence 3 from Article I, parentheses (a)(1) of the definitions.

City Manager Jones pointed out that such action would make the City's ordinance more restrictive than the State statute.

ADJOURN: 12:10 p.m.

| MEMBERS | MOTION | SECTION | VOTE | | ABSENCE |
|-----------|--------|---------|------|----|---------|
| | | | YES | NO | |
| Anderson | X | | | | |
| Barnett | | | | | X |
| Herms | | | X | | |
| Muenzer | | | X | | |
| Passidomo | | | X | | |
| Sullivan | | X | X | | |
| Crawford | | | X | | |
| (6-0) | | | | | |

