



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Regular Meeting – September 21, 2005 – 9:02 a.m.**

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Mayor Barnett called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

**Present:**

Bill Barnett, Mayor  
Tamela Wiseman, Vice Mayor

**Council Members:**

William MacIlvaine  
Johnny Nocera  
Gary Price  
John Sorey III  
Penny Taylor

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**Also Present:**

Robert Lee, City Manager  
Robert Pritt, City Attorney  
Victor Morales, Assistant to City Manager  
Stephen Weeks, Technology Services Director  
David Lykins, Community Services Director  
Tony McIlwain, Planner  
Kelly Landolphi, Zoning Enforcement Inspector  
Robin Singer, Community Development Director  
Elizabeth Rogers, Recording Specialist  
Susan Cairns, Recording Specialist

Dr. Robert Petterson  
David Rice  
Amy Lane  
Debra Newman  
Neil Brereton  
Chris Whittaker  
Brian DeMartinis

Other interested citizens and visitors.

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**INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2**

Dr. Robert Petterson, Covenant Presbyterian Church

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**ANNOUNCEMENTS .....ITEM 3**

Mayor Barnett announced the death of retired Planning Manager Ann Walker, who had been employed by the City for 25 years, and expressed condolences to her family and friends. He then said that he would later apprise the community of the date and time of memorial services.

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**SET AGENDA.....ITEM 4**

Mayor Barnett announced that Item 7 was to be continued to October 5, and Item 8 to October 19; and Item 13 (approval of minutes) would be added. City Manager Robert Lee also noted addition of Item 14, a brief Executive Session regarding collective bargaining.

***MOTION by Nocera to SET AGENDA, continuing Item 7 to 10/05/05 and Item 8 to 10/19/05, adding Item 13 (approval of minutes), adding Item 14 (executive session regarding collective bargaining), and removing Item 6-a(4) from the Consent Agenda for separate action. The motion was seconded by Sorey and***

*unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).*

**It is noted for the record that later in the meeting Item 6-g was also removed from the Consent Agenda for separate action.**

**PUBLIC COMMENT.....ITEM 5**

**David Rice, 575 First Avenue North**, noted a Community Redevelopment Agency (CRA) Request For Proposals (RFP) for a mixed-use parking garage and requested that the CRA consider allowing the garage to be a stand-alone project. He stated that he represented clients interested in presenting such a proposal. In response to Council Member Taylor, City Manager Robert Lee reported that Council Member Price had suggested that staff present a draft RFP, including elements desired by the CRA, for review at its next meeting.

*Consensus for City Manager Lee to provide a draft RFP at the next CRA meeting.*

**CONSENT AGENDA**

Prior to consideration of the Consent Agenda, City Manager Lee reported that the supplemental information provided under Item 6-c (Attachment 1) indicated that continuing marine engineering services had been included in the scope of work. Council Member Sorey added that these engineering services are also required and that the funds would be derived from the TDC (Tourist Development Council).

**SPECIAL EVENTS .....ITEM 6-a**

- 1) Dogs Night Out – Pet Fashion Show, Pet Parade and silent auction – Fifth Avenue South Association – Sugden Plaza – 10/26/05
- 2) Guinness Book of World Records Charity Read-in – Fifth Avenue South Main Street Association – Cambier Park – 10/22/05
- 3) Menorah Lighting commemorating Chanukah – Fifth Avenue South Association – Sugden Plaza – 12/29/05 (For discussion of 6-a-4, see below)
- 5) Concerts on Sunday – Naples Philharmonic Orchestra – City of Naples Community Services Department Cultural Arts Program – Cambier Park Bandshell – 10/23/05
- 6) Concerts on Sunday – Naples Concert Band – City of Naples Community Services Department Cultural Arts Program – Cambier Park Bandshell – 10/30/05, 11/20/05, and 12/11/05
- 7) Festival of Lights – Third Street South Association – Third Street South Shopping District – 11/21/05

**RESOLUTION 05-10943.....ITEM 6-b**

**A RESOLUTION APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF GOODS BETWEEN THE CITY OF NAPLES AND FORESTRY RESOURCES, INC. FOR THE PURCHASE OF MULCH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 05-10944.....ITEM 6-c**

**A RESOLUTION APPROVING A FIFTH AMENDMENT TO THE AGREEMENT WITH COASTAL PLANNING AND ENGINEERING, INC. FOR CONTINUING MARINE ENGINEERING SERVICES; TO PROVIDE FOR AN INCREASE IN THE CONTRACTUAL LIMITATION FOR FY 04-05 FROM \$100,000.00 TO \$125,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIFTH AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 05-10945..... ITEM 6-d**  
**A RESOLUTION APPROVING A 2006 TOURISM AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES FOR FISCAL YEAR 2006 CATEGORY “A” CITY OF NAPLES PROJECTS, INCLUDING THE POST DREDGING MONITORING OF DOCTOR’S PASS AND FOR MAINTENANCE OF THE CITY BEACH; AUTHORIZING THE MAYOR TO EXECUTE THE TOURISM AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.**

**RESOLUTION 05-10946.....ITEM 6-e**  
**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND QUALITY ENTERPRISES USA, INC., FOR LOWDERMILK PARK PARKING LOT AND STORM DRAINAGE IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.**

**RESOLUTION 05-10947..... ITEM 6-f**  
**A RESOLUTION DETERMINING RENEWAL OF LIVE ENTERTAINMENT PERMIT APPROVAL FOR CAMPIELLO RISTORANTE, LOCATED AT 1177 THIRD STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.**

**RESOLUTION 05-10948..... ITEM 6-h**  
**A RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC, TO PROVIDE ENGINEERING DESIGN AND ENVIRONMENTAL PERMITTING SERVICES FOR CONSTRUCTION OF BURNING TREE DRIVE IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.**

**RESOLUTION 05-10949..... ITEM 6-i**  
**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND TEMPLE, INC., FOR SERVICES RELATED TO EAGLE TRAFFIC SIGNAL EQUIPMENT, SIGNAL SOFTWARE AND SUPPORT SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.**

**RESOLUTION 05-10950..... ITEM 6-j**  
**A RESOLUTION APPROVING A SUBORDINATION OF EASEMENT AGREEMENT FOR FACILITY RELOCATION BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY FOR UTILITY RELOCATION, OPERATION, AND MAINTENANCE ALONG A SEGMENT OF GOLDEN GATE PARKWAY AND IN AND AROUND THE INTERSECTION OF GOLDEN GATE PARKWAY AND AIRPORT-PULLING ROAD; AUTHORIZING THE MAYOR TO EXECUTE THE SUBORDINATION OF EASEMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.**

**RESOLUTION 05-10951.....ITEM 6-k(1)**  
**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND CENTURY FENCE COMPANY, INC., FOR FURNISHING AND INSTALLING SECURITY FENCING AND GATES AT THE WATER TREATMENT PLANT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.**

**RESOLUTION 05-10952.....ITEM 6-k(2)**  
**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND CARTER FENCE COMPANY, INC., FOR FURNISHING AND INSTALLING SECURITY FENCING AND GATES AT THE SOLANA TANK SITE AND EAST NAPLES TANK SITE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 05-10954..... ITEM 6-l**  
**A RESOLUTION APPROVING A THREE-YEAR AGREEMENT BETWEEN THE CITY OF NAPLES AND TFR ENTERPRISES, INC., FOR HORTICULTURE COLLECTION SERVICES FOR THE PUBLIC WORKS DEPARTMENT, SOLID WASTE DIVISION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 05-10953..... ITEM 6-m**  
**A RESOLUTION APPROVING THE CITY'S PROPERTY, LIABILITY, AND WORKERS' COMPENSATION INSURANCE PROGRAM, PROVIDING FOR THE PAYMENT OF PREMIUMS AND ESTABLISHING THE SELF-INSURANCE LOSS FUND FOR FISCAL YEAR 2005-06; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**MOTION by Nocera to APPROVE THE CONSENT AGENDA EXCEPT ITEMS 6-a(4) and 6-g; seconded by Price and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).**

During crafting of the motion, Vice Mayor Wiseman announced that she would abstain from voting on Item 6-g and therefore requested that it be removed from the Consent Agenda for separate action.

#### **END CONSENT AGENDA**

**.....ITEM 6-a(4)**  
**NAPLES MUSIC FESTIVAL – GARDEN OF HOPE AND COURAGE – THIRD STREET SOUTH – 03/26/06.** In response to Council Member Sorey, Amy Lane, Executive Director for the Garden of Hope and Courage, agreed to consider decreasing the number of attendees, which had been based upon an estimated 3,500 general admission and an undetermined number of special guests. In response to Council Member Taylor, Community Services Director David Lykins reported that the Fifth Avenue South events had historically attracted an estimated 15,000 per day.

Ms. Lane explained that, at the request of Community Development staff, permission had been obtained to use the following parking venues: Fleischmann Park, the municipal lot at the intersection of Eighth Avenue South and Eighth Street, and the vacant lot at the intersection of Twelfth Avenue South and Seventh Street; additionally, at least four trolleys had been reserved for transportation from the parking lots to the event. The owner of Grand Central Station (US 41 and Goodlette-Frank Road) could however not at the time commit to use of that parking lot.

Council Member Sorey inquired how the sponsors would ensure that parking would occur other than in the Third Street South vicinity. Ms. Lane responded that promotion of alternative parking would occur in conjunction with event publicity.

Confirming with Director Lykins that other such events do not charge admission fees, Council Member MacIlvaine expressed disapproval of a mandatory entrance fee on a public street. Mr. MacIlvaine stated that he would however vote to approve the event if it were relocated.

Mayor Barnett also expressed reluctance due to a statement he had previously made that he would not support it again because of issues such as citizen complaints regarding portable toilets and parking. Both Vice Mayor Wiseman and Council Member Taylor expressed the recollection that he had made such a statement due to late notification of the City that an event was to occur.

**Public Comment:** (9:25 a.m.) **Debra Newman, Executive Director of Fifth Avenue South Association**, expressed concern that Council might not approve the Fifth Avenue March Art Show on the same weekend. Council, she said, had not yet received the Association's 2006 event list which Community Services requires, noting that various events had also been submitted over the course of three Council meetings rather than together. In response to Council Member Nocera, Mrs. Newman however stated that she had no objection to the Fifth Avenue Association's event occurring on the same day as the event under consideration.

Mrs. Newman announced that, from November 1 through 3, Fifth Avenue South Association and Naples Main Street would be hosting the Florida Main Street Conference, which would be attended by state and national representatives of Main Street associations.

***MOTION by Sorey to APPROVE ITEM 6-a(4), AS AMENDED, maximizing offsite parking, limiting the number of tickets to 5,000, and considering a different location for portable toilets. This motion was seconded by Wiseman and carried 6-1, all members present and voting (MacIlvaine-no, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).***

Council Member MacIlvaine attributed his negative vote to the location of the event as well as his opposition to charging admission for entry onto City streets which would be blocked for the event. Council Member Taylor recommended determination of a method for identifying those who had purchased tickets, so as to avoid difficulty by residents accessing the area and that training of event guards be improved. Ms. Lane replied that wristbands had been issued in the past for general admission as well as other types of identification for those who were restricted to certain venues. Rather than limiting the number of tickets, Council Member Price said he would have preferred that the petitioner and staff arrive at a capacity solution for parking.

**RESOLUTION 05-10955.....ITEM 6-g**  
**A RESOLUTION DETERMINING LIVE ENTERTAINMENT PERMIT RENEWAL FOR STONEY'S STEAKHOUSE AT 403 BAYFRONT PLACE, UNIT #301, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**  
Title read by City Attorney Robert Pritt (9:31 a.m.). This being a quasi-judicial proceeding, Council Members disclosed the following ex parte communications: Vice Mayor Wiseman indicated a conflict of interest due to her spouse's contractual relationship with the petitioner; however, the remainder of Council Members indicated no contact.

***MOTION by Sorey to APPROVE RESOLUTION 05-10955 AS SUBMITTED; seconded by Taylor and carried 6-0-1 (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-abstain, Barnett-yes). (See Attachment 2, Form 8B Memorandum Of Voting Conflict For County, Municipal, And Other Local Public Officers).***

City Attorney Pritt requested that the record reflect that approval is based upon the staff report.

**RESOLUTION (Continued – See Item 4) .....ITEM 7**  
**A RESOLUTION DETERMINING FENCE AND WALL WAIVER PETITION 05-FWW4**  
**FROM SECTION 110-37(b)1.a. OF THE CODE OF ORDINANCES WHICH**  
**ESTABLISHES MAXIMUM WALL HEIGHT OF SIX FEET IN SIDE YARDS IN**  
**ORDER TO ALLOW A 10 FOOT 4 INCH RETAINING AND PRIVACY WALL IN THE**  
**SIDE SETBACK AREAS ALONG THE SOUTH PROPERTY LINE LOCATED AT 266**  
**15TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND**  
**PROVIDING AN EFFECTIVE DATE. Title not read.**

**RESOLUTION (Continued – See Item 4) .....ITEM 8**  
**A RESOLUTION DETERMINING VARIANCE PETITION 05-V2 FROM SECTIONS**  
**102-148 AND 110-39 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES,**  
**WHICH ESTABLISHED A MAXIMUM 30-FOOT HEIGHT FOR NON-HABITABLE**  
**ARCHITECTURAL ELEMENTS IN ORDER TO PERMIT THE CONSTRUCTION OF**  
**A ROOF OVER AN EXISTING OPEN-AIR CUPOLA AT A MAXIMUM HEIGHT OF**  
**31'6", AT 2585 TARPON ROAD, MORE PARTICULARLY DESCRIBED HEREIN;**  
**AND PROVIDING AN EFFECTIVE DATE. Title not read.**

**RESOLUTION 05-10956.....ITEM 9**  
**A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 05-LE8 FOR**  
**LIVE ENTERTAINMENT AT ZIZI'S AT BELLASERA LOCATED AT 221 NINTH**  
**STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE**  
**CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read**  
by City Attorney Robert Pritt (9:32 a.m.). This being a quasi-judicial proceeding, Notary Public Elizabeth Rogers administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members disclosed the following ex parte communications: Wiseman/familiar with the site and witnessed a performer staged without a permit; Price, Nocera, Barnett, Taylor, MacIlvaine/no contact; and Sorey/visited the site and conferred with the petitioner.

Neil Brereton, General Manager of Bellasera Hotel, explained that the requested live entertainment in the restaurant would be primarily in the banquet rooms, ending by 12:00 a.m., and occasionally outdoors, ending by 10:00 p.m. Although the petition encompasses regular business hours, performers would be offered predominantly during the evening hours, he explained; hotel management would maintain the volume at a low level so as not to disturb other guests.

Planner Tony McIlwain reported that staff recommends approval of the permit with the condition that live entertainment not commence before noon and confirmed that the maximum number of performers allowed is typically five although the petitioner had indicated that in certain instances a disc jockey would also be present. Mr. Brereton indicated that there would principally be a solo performer, such as a light jazz guitarist. Council Member Sorey pointed out that, as previously stated by the petitioner, the volume for outdoor performances would be maintained at a relatively low level.

**MOTION by Sorey to APPROVE RESOLUTION 05-10956 AS SUBMITTED;**  
**seconded by Nocera and carried 5-2, all members present and voting**

*(MacIlvaine-yes, Nocera-yes, Price-no, Sorey-yes, Taylor-yes, Wiseman-no, Barnett-yes).*

Prior to the vote, and in response to Council Member Price, Planner McIlwain confirmed that Jennifer Porter, assistant general manager of Zizi's of Bellasera, had indicated that she was unaware that a live entertainment permit was necessary, although he had not been privy to the conversation she had had with a police officer on June 11. Council Member Price noted however that, after reading the police reports of June 10 and 11 (Attachments 3 and 4), he believed there had been no misunderstanding of the requirements. Mr. Brereton however clarified that the misunderstanding had in fact pertained to the requirement for City versus County permits. Council Member Taylor noted that numerous establishments had in fact been unaware that a live entertainment permit was needed in addition to a license to do business in the City. During the vote, Vice Mayor Wiseman attributed her negative vote to opposition to the number of performers.

**MOTION** by Taylor to **RECONSIDER** due to the number of performers; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

During the process of this action, Mr. Brereton agreed to limit the number of performers to five.

**MOTION** by Taylor to **APPROVE RESOLUTION 05-10956, AS AMENDED**, limiting the number of entertainers to five; seconded by Wiseman and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

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**It is noted for the record that Items 10-a and 10-b were considered concurrently.**

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**RESOLUTION 05-10957.....ITEM 10-a**  
**A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 05-LE9 FOR BLU SUSHI LOCATED AT 1170 3RD STREET SOUTH, SUITE F-105, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read concurrently with Item 10-b by City Attorney Robert Pritt (9:42 a.m.).

**RESOLUTION 05-10958.....ITEM 10-b**  
**A RESOLUTION DETERMINING A RESIDENTIAL IMPACT STATEMENT FOR PETITION 05-RIS13 TO ALLOW LIVE ENTERTAINMENT AT BLU SUSHI, LOCATED AT 1130 THIRD STREET SOUTH, SUITE F-105, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read concurrently with Item 10-a by City Attorney Robert Pritt (9:42 a.m.). This being a quasi-judicial proceeding, Notary Public Elizabeth Rogers administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members disclosed the following ex parte communications: Wiseman, Price/visited the establishment; Nocera/no contact; Barnett, Taylor, MacIlvaine/familiar with the establishment; and Sorey/visited the establishment and had various conversations with the petitioner.

Planner Tony McIlwain stated that the petitioner had requested indoor live entertainment on Thursday, Friday, and Saturday nights, between the hours of 9 p.m. and 1:00 a.m. Staff, he stated, had recommended denial of the petition based upon previous findings regarding loud music at the establishment. Zoning Enforcement Inspector Kelly Landolphi, he said, was also available to answer questions.

Council Member Sorey expressed concern that violations continued despite numerous discussions with the petitioner.

Chris Whittaker, representing Blu Sushi, explained that the primary issue relative to noise had been attributable to three outdoor speakers which had since been taken out of service. Mr. Whittaker further related an incident regarding a January event when a Code Enforcement Officer had informed Manager Brian DeMartinis that a disc jockey was not allowed outdoors but must move inside the establishment; Mr. DeMartinis had then informed the Code Enforcement Officer that the petitioner had applied for an outdoor live entertainment permit. Following another warning on February 25, the outdoor speakers had ceased to be used and a manager subsequently dismissed for failure to comply with these instructions. Mr. Whittaker reported that on April 2, a Code Enforcement Officer had found the restaurant to be in compliance with no disc jockey or outdoor music and that no complaints had been registered since March. The current permit would allow indoor live entertainment consisting of jazz singers and occasionally a disc jockey, he added, and indicated that he had however been unaware of an April 8 complaint noted by Council Member Sorey.

Zoning Enforcement Inspector Kelly Landolphi reported his first contact with Blu Sushi in response to complaints filed on February 5, and that Manager DeMartinis had complied with his request to terminate the disc jockey without a live entertainment permit. When Police Officer Kevin O'Neill notified the manager and an individual representing himself as the owner that they did not have City permission for either a disc jockey or any live entertainment, Officer O'Neill was told that they had been unaware of City Council's denial of a live entertainment request on March 2 and that no one had responded to their request that Council change the hearing time from 9:00 a.m. to 1:00 p.m. (It was subsequently noted that a March 1 fax denying the rescheduling had not reached Mr. DeMartinis.) Mr. Landolphi further stated that Officer O'Neill, returning to the establishment at 11:30 p.m. on March 2, had found the establishment to be in compliance. On April 9, Inspector Landolphi reported, Officer O'Neill had notified him that he had responded to a complaint regarding loud music the night before and had determined that a permit for a charity event, which appeared to have the date altered from January 8 to April 8, had been issued to Femme Fatale, an establishment directly across from the Blu Sushi. (It was subsequently confirmed that on March 16 the Council had approved a permit for a fashion show to benefit St. Ann's on April 8.)

In summary, Inspector Landolphi asserted that: 1) he had visited Blu Sushi nine times; 2) approximately 23 complaints had been registered against the establishment; 3) following Council action on March 2, the Naples Police & Emergency Services Department (PESD) and Code Enforcement had responded to complaints at least twice; and 4) three letters had been issued for illegal live entertainment. The aforementioned action, he said, had resulted in an estimated 27 hours of overtime for Code Enforcement.

Brian DeMartinis took the position that Femme Fatale, permit holder for the charity event, should be held accountable for action taken and confirmed that Inspector Landolphi had agreed when asked if the disc jockey could be moved indoors. However, upon receipt of written notification that the live entertainment permit had been denied, it had ceased both outdoors and indoors, he added. Inspector Landolphi stated that when learning that no official notice had been



received of the petition denial, he had immediately confirmed the Council's action in writing. Community Development Director Robin Singer reported that a copy of the agenda and notice for the March 2 Council meeting had been faxed to the party and the number listed on the application and the applicant had later stated that the fax had not been forwarded to the correct individual.

In response to Mayor Barnett, Planner McIlwain stated that he had recommended denial of the current permit application because of Council's denial in March and subsequent actions by the PESD and Inspector Landolphi. Director Singer also indicated that, although staff had recommended approval of the original live entertainment petition, Council had denied it due to both the applicant not being present and because noise generated at the Third Street Plaza is exacerbated by the structure, and projects music toward the residential areas.

In response to City Attorney Pritt, Mr. Whittaker offered to remove the outdoor speakers altogether, although they had been disconnected.

Council Member Price cited the need for Council Members to also disclose receipt of correspondence from adjacent property owners regarding the petition, one such letter regarding the 1:00 a.m. cessation time for entertainment. (Copies of the aforementioned correspondence are contained in the file for this meeting in the City Clerk's Office.)

***MOTION by Nocera to APPROVE, AS AMENDED, requiring removal of exterior speakers and stipulating that entertainment be indoors only, ending at 11 p.m. This motion was seconded by Barnett and failed 1-6, all members present and voting (MacIlvaine-no, Nocera-yes, Price-no, Sorey-no, Taylor-no, Wiseman-no, Barnett-no).***

***MOTION by Wiseman to DENY (RESOLUTION 05-10957) based upon the staff report, testimony of Zoning Enforcement Inspector Kelly Landolphi and Community Development Director Robin Singer, as well as supporting documentation provided as part of the City Council's meeting packet. This motion was seconded by Taylor and carried 5-2, all members present and voting (MacIlvaine-yes, Nocera-no, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-no).***

Council Member Nocera attributed his negative vote to the fact that the petitioner had attempted to rectify the conditions which had caused concern. Council Members Nocera and Sorey encouraged the petitioner to resubmit an application at a later date. Council Member Price pointed out that the petitioner could still offer musical entertainment in the restaurant, just not live or amplified. Council Member Taylor noted that permission for live entertainment is a privilege and commended staff, especially Code Enforcement. She also stressed the importance of enforcing the existing ordinance in this regard.

***MOTION by Wiseman to DENY (RESOLUTION 05-10958) based upon the staff report, testimony of Zoning Enforcement Inspector Kelly Landolphi and Community Development Director Robin Singer, as well as supporting documentation provided as part of the City Council's meeting packet. This motion was seconded by Taylor and unanimously carried, all members present***

*and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).*

City Attorney Pritt advised the petitioner of the right to challenge Council's decision in circuit court and explained that the 30-day appeal process commences the date that the order (resolution) is filed with the City Clerk.

**ORDINANCE 05-10959.....ITEM 11  
AN ORDINANCE AMENDING SUBSECTION (f)(2) OF SECTION 78-171 OF THE  
CODE OF ORDINANCES FOR THE PURPOSE OF EXTENDING THE TEMPORARY  
UNRESTRICTED CHARTER BOAT STATUS EXPIRATION DATE; PROVIDING A  
SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Robert Pritt (10:21 a.m.).

**MOTION by MacIlvaine to ADOPT ORDINANCE 05-10959 AS  
SUBMITTED; seconded by Sorey and carried 6-0-1 (MacIlvaine-yes, Nocera-  
yes, Price-yes, Sorey-yes, Taylor-abstain, Wiseman-yes, Barnett-yes). (See  
Attachment 5, Form 8B Memorandum Of Voting Conflict For County,  
Municipal, And Other Local Public Officers).**

City Attorney Pritt noted for the record that no one from the public had indicated a desire to speak on this matter, and Council Member Taylor noted that she had abstained due to a business arrangement with Leonard Wassmer (owner/operator of the Sweet Liberty).

**RESOLUTION 05-10960.....ITEM 12  
A RESOLUTION RANKING THE TOP FOUR MUSEUM EXHIBIT DESIGN AND  
FABRICATION FIRMS TO DESIGN, BUILD AND INSTALL EDUCATIONAL  
MATERIALS AND DISPLAYS FOR THE HEDGES FAMILY VISITOR CENTER;  
APPROVING AN AGREEMENT WITH THE TOP-RANKED FIRM; AUTHORIZING  
THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN  
EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (10:22 a.m.).

**MOTION by Sorey to APPROVE RESOLUTION 05-10960 AS SUBMITTED;  
seconded by Taylor and unanimously carried, all members present and voting  
(MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes,  
Barnett-yes).**

Prior to the vote, Council Members Sorey and Taylor confirmed that the approval is for the rankings as set forth in the staff recommendation.

**APPROVAL OF MINUTES .....ITEM 13  
August 15 Workshop, August 15 Budget Workshop, and August 17, 2005 Regular Meeting as  
submitted.**

**MOTION by Sorey to APPROVE the August 15 Workshop, August 15 Budget  
Workshop, and August 17, 2005 Regular Meeting minutes as submitted. This  
motion was seconded by Nocera and unanimously carried, all members present  
and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes,  
Wiseman-yes, Barnett-yes).**

**CORRESPONDENCE AND COMMUNICATIONS.....**

In response to Council Member Taylor, Council Member Price noted that he had resigned from the Naples Art Association Board the day that he had been appointed to City Council.

Regarding Pelican Bay annexation, and in response to Mayor Barnett, City Manager Robert Lee stated that he would review a memorandum from the North Naples Fire District (NNFD) and

forward his response to Council. Vice Mayor Wiseman requested consensus to direct staff to determine whether the residents and business owners of Pelican Bay desire that NNFD continue as its fire service provider. She then explained that retaining NNFD would avoid large capital costs that would otherwise be incurred by the City, as well as the projected four-year deficit in revenues. Additionally, she expressed concern regarding the following: cost of acquiring property, constructing new facilities, purchasing new equipment, hiring additional employees, as well as pension issues. City Manager Lee offered to research the following: the validity of retaining NNFD as the provider, NNFD continuing to charge 1 mill and the City 1.14 mill, and the City offering a rebate of some type. He further explained that staff had offered to pay NNFD the actual cost for providing the service or the City's cost including capital; thus far, NNFD had maintained the position that it would continue to charge at least 1 mill. Pelican Bay currently funds approximately 23% of the tax base for NNFD and represents an estimated 7% of the population, he added.

Council Member Sorey recommended a strategic analysis of the City's annexation policy. He then advised that City Manager Lee was researching, from various aspects of growth in the City, the potential advantages for career path opportunities. Additionally, he noted, legal counsel for NNFD had stated on the record that should the annexation occur, a price could be negotiated. He then stated that the NNFD Finance Director had agreed to determine various cost estimates based upon: 1) one strategically located station, and 2) percentage of calls equaling a percentage of the budget. He then disagreed with Vice Mayor Wiseman's statement that it would be difficult to negotiate an equitable agreement.

Council Member MacIlvaine concurred with Council Member Sorey, noting that it would be more economical for the City to operate the fire district than for a fire district to be independently operated; an independent fire district has a high overhead, including the salaries of elected officials, he added. Furthermore, from a pension standpoint, the City firefighters would benefit greatly from operating a fire station in Pelican Bay. He then pointed out that due to the difference in insurance ratings, commercial insurers would have lower insurance premiums if the City instead of NNFD were to provide the fire service. He then however recommended continuing negotiations.

Council Member Taylor expressed concern with the long-term cost of acquiring property and constructing a fire station. Additionally, she stated that annexation might not be as attractive to the voters of Pelican Bay should NNFD remain the fire service provider. She then encouraged staff to keep City Council apprised of any negotiations.

Council Member Sorey requested that staff provide assumptions to Council so that it may assess their validity. Vice Mayor Wiseman expressed support for hiring an independent auditor; Council Member Taylor concurred.

In response to Council Member Nocera, City Manager Lee stated that NNFD had made it very clear that it would not sell the two fire stations currently servicing Pelican Bay because they would continue to be used to service other portions of the fire district.

**EXECUTIVE SESSION.....ITEM 14**

Mayor Barnett advised that City Council would enter into an executive session with City Attorney Robert Pritt pertaining to collective bargaining.

**Executive Session: 10:41 a.m. to 10:49 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.**

*No action taken.*

**PUBLIC COMMENT.....**

(10:49 a.m.) None.

**ADJOURN.....**

10:49 a.m.

\_\_\_\_\_  
Bill Barnett, Mayor

\_\_\_\_\_  
Tara A. Norman, City Clerk

Minutes prepared by:

\_\_\_\_\_  
Elizabeth Rogers, Recording Specialist


Minutes Approved: 10/19/05



# Memo

*Office of the City Manager*

**TO:** Honorable Mayor and Members of City Council

**FROM:** Dr. Robert E. Lee, City Manager 

**DATE:** September 20, 2005

**SUBJECT:** Agenda Item Requests and Questions for the September 21<sup>st</sup> Meeting

Some questions were raised at Monday's City Council Workshop. The following are responses to those questions.

**Item 6-a(4) – Naples Music Festival**

Per Council Member Sorey's request, this item was pulled from the Consent Agenda. In the attached memorandum from Community Services Director David Lykins, it is noted that representatives will attend the Council Meeting to discuss any concerns.

**Item 6-c – Fifth Amendment to Agreement for Continuing Marine Engineering Services**

Council Member MacIvaine asked what the continuing marine engineering services consist of. Details are furnished in the attached memorandum from Mr. Lykins.

**Item 12 – Hedges Family Visitor Center Displays**

Council Member Taylor questioned whether the educational displays are consistent with what Council approved a few years ago. Mr. Lykins addresses this issue in his attached memorandum.

*Ethics above all else... Service to others before self... Quality in all that we do.*



# Memo

## Community Services Department

Parks and Parkways • Recreation • Natural Resources • Facilities Maintenance

**TO:** Dr. Robert E. Lee, City Manager  
**FROM:** David M. Lykins, Community Services Director  
**DATE:** September 19, 2005  
**SUBJECT:** Council Agenda Supplement for September 21, 2005

Per your request, follow up information is herewith provided as discussed at today's City Council Workshop.

Consent Agenda Item 6a-4 (Garden of Hope and Courage Fundraiser)

Representatives will be in attendance at the City Council meeting to discuss any concerns related to the Garden of Hope and Courage Fundraising Event.

Consent Agenda Item 6c (Continuing Marine Engineering Services)

The continuing marine engineering services with Coastal Planning and Engineering of Boca Raton, Florida involve elements of work required to complete the dredging of Doctors Pass. This includes pre-construction and post-construction hydrographic surveys of the bottom of the pass to determine the shape of the channel, to estimate the volume of material that will be dredged, and then verify the amount of dredging actually performed by the dredging company; preparation of construction plan drawings and specifications for the construction firm that will carry out the dredging; and monitoring of the work as it is performed to assure its correctness and administration of all the details associated with the construction (location of equipment, posting of signs, maintaining good and accurate records.

Coastal Planning and Engineering was utilized under the same continuing marine services agreement for the completion of a hydrographic survey for East Naples Bay. Although these are two separately funded projects, the scope of work also included and addressed dredging and is consistent with all terms and conditions of this agreement.

Agenda Item 12 (Naples Preserve Hedges Visitor Center Exhibits)

The requested informational and educational exhibits are consistent with the use of this property and the Hedges Center previously approved by City Council, initially envisioned by the Naples Preserve Steering Committee, Exhibit Donors, Site Development elements of the Naples Preserve Management Plan and the annual Stewardship Report submitted to the Florida Community Trust (FCT). The educational program obligations committed to through the Tourist Development Grant through this request have been met. The FCT Grant requires a minimum of 24 annual educational programs to be conducted at this property and the educational exhibits have always been considered a component of the management plan. The informational and educational plans for the Hedges Center have remained unchanged since program inception and these exhibits complete this educational component of additions to the Hedges Family Visitor Center. Sketches included in the Grant Application were made a part of the RFP and all firms interested in this project made a commitment to meet initial objectives of this project.

*Ethics above all else... Service to others before self... Quality in all that we do.*

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <u>WISEMAN, TAMELA Eady</u>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Naples City Council</u>
MAILING ADDRESS <u>P.O. Box 460</u>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <u>Naples</u>	COUNTY <u>Collier</u>
DATE ON WHICH VOTE OCCURRED <u>9/21/05</u>	NAME OF POLITICAL SUBDIVISION <u>City of Naples</u>
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

**WHO MUST FILE FORM 8B**

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

**INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

**ELECTED OFFICERS:**

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

**APPOINTED OFFICERS:**

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**I, Tamela Wiseman, hereby disclose that on 9/21, 20 05:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☒ inured to the special gain or loss of my relative, husband John Wiseman;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item 6g Regular meeting of 9/21/05 Live Entertainment at Stoner's Steakhouse.

CORE Construction, the President of which is my husband, John, has a contractual relationship with the petitioner, Bayfront, Inc., which presents at least an appearance of conflict.

9-21-05  
Date Filed

Tamela Wiseman  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



**CAD Operations Report****Naples Police & Emergency Services Department**

Call Number 05-027437

Printed 08/19/2005 04:40 PM

**Call Detail Information**

Call Number 05-027437	Class C	Taker o11	Pos 4	Call Owner	Status C	Date - Time Received Fri 06 /10/2005 20:07:50	Inj 0
Complaint 46-CityOrdV	Ten Code 46	Priority 2	ESN 119	Disp Zone Sta1	IRA 115	How Received	
Incident Location 221 9TH ST S	Apart/Suite		Floor/Bldg	Incident City NAPLES			
Caller Name	Fire Run Zone STA1	Fire Grade	EMS Run Zone	Telephone 239-262-4835	Tower ID -	Jurisdiction PESD	
Tract 3	Weapons						
<input type="checkbox"/> Images	<input type="checkbox"/> BOLO	<input type="checkbox"/> Warrant	<input type="checkbox"/> Medical	<input type="checkbox"/> Hazard	<input type="checkbox"/> Fire Plan	<input checked="" type="checkbox"/> Previous	<input type="checkbox"/> Subject Req
ALI Time 00:00:00	Call Rec'd 20:07:50	Xmit 20:08:07	Dispatch 20:08:12	Enroute 20:08:12	OnScene 20:08:12	Departed 8:30:49PM	Arrived 22:55:54
Comp		Alarm Code		Unit N6			

**Narrative...**

[6/10/2005 22:55:44 : o7]  
PER N6, CHANGE TO SIG 46

[06/10/2005 22:51:56 : N6]

I met with the Mgr. of Zizi's (Bellaser) in regards to live entertainment w/o a permit. I issued a written warning. I spoke with the General Mgr. Jennifer Porter 229-6427 who informed me, Zizi's does have the proper permits. I informed both the Mgr. and General Mgr. I would be back on 6/11/2005 to see the permits. Kristen (Mgr.) and Jennifer both (GM) informed me they have had live entertainment for over 1 yr. now on Thurs, Fri, Sat. Nights. The City's permit list doesn't reference either busin

[06/10/2005 20:08:26 : o11]  
OUT @ ZIZI RESTAURANT

[06/10/2005 20:08:07 : o11]  
Cross streets: 1ST AVE S//3RD AVE S

PART OF BELLASERA RESORTLandmark:ZIZI RESTAURANT/  
PART OF BELLASERA RESORTLandmark:ZIZI RESTAURANT/  
Cross streets: 1ST AVE S//3RD AVE S  
Landmark:ZIZI RESTAURANT  
PART OF BELLASERA RESORT

**Press Release Notes****Location Comment**

PART OF BELLASERA RESORT

## Naples Police &amp; Emergency Services Department

Call Number 05-027437

Printed 08/19/2005 04:40 PM

## Call Dispositions

Date - Time	Disposition
2005/06/10 22:55:48	Written Warning
2005/06/10 22:55:49	Short Report

## Call Complaints

Date - Time	Complaint	Action By
6/10/2005 20:08:19	100-Change	o11
6/10/2005 22:55:47	40-InfoCivil	o7

## Call Log

Unit	Status	Date - Time	Dept	Type	Comments	Officers	Odometer
N6	ONS	6/10/2005 20:08:1	NPD	POL	221 9TH ST S, NAPLES	40	0.0
N6	LEF	6/10/2005 20:30:4	NPD	POL	Left Scene, 8119, NAPLES	40	0.0
N6	BUS	6/10/2005 21:10:1	NPD	POL	8119, NAPLES	40	0.0
N6	QUE	6/10/2005 21:10:2	NPD	POL	8119, NAPLES	40	0.0
N6	ONS	6/10/2005 22:16:3	NPD	POL	221 9TH ST S, NAPLES	40	0.0
N6	ENR	6/10/2005 22:16:3	NPD	POL	221 9TH ST S, NAPLES	40	0.0
C2	ONS	6/10/2005 22:21:2	NPD	POL	221 9TH ST S, NAPLES	204	0.0
C2	REM	6/10/2005 22:24:3	NPD	POL	REM	204	0.0
N6	ONS	6/10/2005 22:31:1	NPD	POL	221 9TH ST S, NAPLES	40	0.0
N6	COM	6/10/2005 22:55:5	NPD	POL	COM	40	0.0

Unit	Dept	DIS	ENR	ONS	LEF	ARR	BUS	REM	COM
C2	NPD			22:21:21				22:24:37	
N6	NPD		22:16:39	20:08:12	20:30:49		21:10:18		22:55:54

## Unit Log

Date-Time	Dept	Unit	Officer ID	Action	Comments
8:30:03PM	NPD	N6	40	Radio	Radio Communication, 221 9TH ST S, NAPLES
8:52:32PM	NPD	N6	40	Radio	Radio Communication, 8119, NAPLES

Category	Last Name	First Name	Middle Name	Suffix	Race	Sex	Ethnic	Height	Weight	Age	DOB	OLN
Business Name	Description											

## Call Subject Statistics

Question	Answer
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**CAD Operations Report****Naples Police & Emergency Services Department**

Call Number 05-027631

Printed 08/19/2005 04:40 PM

**Call Detail Information**

Call Number 05-027631	Class C	Taker o1	Pos 4	Call Owner	Status C	Date - Time Received Sat 06/11/2005 19:15:46	Inj 0
Complaint 46-CityOrdV	Ten Code 46	Priority 2	ESN 119	Disp Zone Sta1	IRA 115	How Received Radio	
Incident Location 221 9TH ST S			Apart/Suite	Floor/Bldg	Incident City NAPLES		
Caller Name	Fire Run Zone STA1	Fire Grade	EMS Run Zone	Telephone	Tower ID	Jurisdiction PESD	
Tract 3	Weapons						

☐ Images ☐ BOLO ☐ Warrant ☐ Medical ☐ Hazard ☐ Fire Plan ☒ Previous ☐ Subject Req

ALI Time	Call Rec'd	Xmit	Dispatch	Enroute	OnScene	Departed	Arrived	Comp	Alarm Code	Unit
19:15:47	19:15:46	19:15:46	19:15:46	19:15:46	19:15:46			20:19:51		N6

**Narrative...**

[06/11/2005 20:15:37 : n6 ]

I met with General Mgr. of Bellasera Jennifer Porter.

At the time of our meeting, a wedding was taking place outside by the pool area with amplified music. Inside at Zizi's, a DJ was playing amplified music. Porter was issued an NTA and made aware of the process to secure a live entertainment permit. Porter stated they have operated with live entertainment for over a year now and that she was not aware they needed a permit. Thurs, Fri, and Sat. nights, Zizi's has live entertainment.

[6/11/2005 19:15:46 : o1]

Landmark:ZIZI RESTAURANT/

Cross streets: 1ST AVE S/3RD AVE S

**Press Release Notes****Location Comment**

Landmark:ZIZI RESTAURANT/

**Department/RMS OCA Numbers**

Department	OCA Number	RMS Jurisdiction
NPD	05-02015	FL0110100

**Call Dispositions**

Date - Time	Disposition
2005/06/11 20:19:48	Notice to Appear
2005/06/11 20:19:50	Short Report

**Call Complaints**

Date - Time	Complaint	Action By
6/11/2005 19:58:04	40-InfoCivil	o1

**Call Log**

Unit	Status	Date - Time	Dept	Type	Comments	Officers	Odometer
N6	ONS	6/11/2005 19:15:41	NPD	POL	221 9TH ST S, NAPLES	40	0.0
N6	COM	6/11/2005 20:19:5	NPD	POL	COM	40	0.0

**Naples Police & Emergency Services Department**

Call Number 05-027631

Printed 08/19/2005 04:40 PM

Unit	Dept	DIS	ENR	ONS	LEF	ARR	BUS	REM	COM
N6	NPD			19:15:46					20:19:51

**Unit Log**

Date/Time	Dept	Unit	Officer ID	Action	Comments
7:38:58PM	NPD	N6	40	Reset Timeout	Reset Timeout
8:09:49PM	NPD	N6	40	Reset Timeout	Reset Timeout

Category	Last Name	First Name	Middle Name	Suffix	Race	Sex	Ethnic	Height	Weight	Age	DOB	OLN
Business Name												

**Call Subject Statistics**

Question	Answer
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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>Taylor Penelope A</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Naples City Council</i>
MAILING ADDRESS <i>995 13<sup>th</sup> St N</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Naples</i> COUNTY <i>Collier</i>	NAME OF POLITICAL SUBDIVISION: <i>Collier City of Naples</i>
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

#### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

#### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**I, Penny Taylor, hereby disclose that on September 21, 20 05:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*I have a business relationship with  
a boat requesting this change*

*Item 11*

*Extending temporary unexpired  
charter boat status*

*9/21/05*

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.