

CITY OF NAPLES

735 Eighth Street, South



OR 337 pg 518, 519
12.30.69
198955

State of Florida 33940

ORDINANCE NO. 1523

AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, VACATING AND ABANDONING A DRAINAGE EASEMENT OVER LOT 21, OYSTER BAY, UNIT NO. 5 AND A CUL-DE-SAC ON LOT 19, OYSTER BAY, UNIT NO. 2, AS RECORDED IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

WHEREAS, the owners of the above described property have requested that said easement and cul-de-sac be vacated and relocated, and

WHEREAS, there are no objections to the vacation of said easement and cul-de-sac and the owners of said property have provided the necessary conveyance to the City of Naples for relocation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

SECTION 1. That the drainage easement over the Northerly 10 feet of Lot 21 of Oyster Bay, Unit No. 5, according to the plat thereof recorded in Plat Book 4, Page 55 of the Public Records of Collier County, Florida, is hereby vacated and abandoned.

SECTION 2. That the cul-de-sac situated on that part of Chesapeake Avenue lying West of a line which is described as being the Southerly prolongation of the East line of Lot 19 of Oyster Bay, Unit No. 2, according to the plat thereof recorded in Plat Book 4, Page 46 of the Public Records of Collier County, Florida, is hereby vacated and abandoned.

SECTION 3. The warranty deed dated October 20, 1969, from the owners of the above described property relocating said easement and cul-de-sac is hereby accepted.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 17th DAY OF DECEMBER, 1969.

ATTEST:

Elsie Lehman

Elsie Lehman,
City Clerk

Wesley G. Brown MAYOR
Sumner Brown
Godlove McDowell
George H. Beach Jr.

ORDINANCE NO. 1523

PAGE TWO

Lloyd M. Hasterling
June E. Berman
Philip C. Morse
Councilmen

APPROVED AS TO FORM AND TEXT BY CITY ATTORNEY

Thomas T. Trettis, Jr.
Thomas T. Trettis, Jr.

For diagram listed as attached, please see Supplemental Map Drawer 1.

BLANK

Warranty Deed

000983

Ordinance # 1523

THIS INDENTURE, Made this 20th day of October, A. D. 19 69

Between DAVID C. RAMSAY, joined by his wife, MARCIA C. RAMSAY
the Grantor

And CITY OF NAPLES, a Municipal corporation existing under the laws of the State of Florida

whose post office address is: 735 8th Street South, Naples, Florida 33940
the Grantee

Witnesseth, That the Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS in hand paid by the Grantee, receipt whereof is hereby acknowledged, hereby conveys to the Grantee the real property in Collier County, Florida, described as:

-----Part of Lots 19 and 20 and part of Chesapeake Avenue as shown on a plat of Oyster Bay Unit No. 2 as recorded in Plat Book 4, page 46 of the Public Records of Collier County, Florida, being more particularly described as: Beginning at the Southwest corner of said Lot 20 run thence 40' Easterly along the South boundary of said Lot 20 to the arc of a non-tangential circular curve concave to the South and having a radius of 60.00'; thence Northerly, Northeasterly, Easterly, Southeasterly, and Southerly 188.50' along the arc of said curve to the Southeasterly corner of Lot 19 of said Oyster Bay, Unit No. 2; thence Southerly 60.00' along the prolongation of the East line of said Lot 19 to the South line of Chesapeake Avenue; thence West 60.00' along said South line of Chesapeake Avenue to the arc of a circular curve concave to the Northeast and having a radius of 60.00'; thence Northwesterly 62.83' along the arc of said curve to the centerline of said Chesapeake Avenue; thence Westerly 48.04' along said centerline of Chesapeake Avenue to its intersection with the Southerly prolongation of the West line of Lot 20 of Oyster Bay, Unit No. 2; thence Northerly 30.00' along said prolongation of the West line of Lot 20 to the Point of Beginning; and a drainage easement described as being the Easterly 10.00 feet of Lot 19, Oyster Bay, Unit No. 2.-----

And the said Grantor does covenant that the property is free of all encumbrances, that lawful seisin of and good right to convey that property are vested in the Grantor, and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Signed in the presence of:

Beverlee A. Lutz
Robert C. Brown

David C. Ramsay (SEAL)
Marcia C. Ramsay (SEAL)
(SEAL)

STATE OF ~~MINNESOTA~~ MINNESOTA
COUNTY OF ~~HENNEPIN~~ HENNEPIN

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

DAVID C. RAMSAY, joined by his wife, MARCIA C. RAMSAY

to me well known to be the person described as Grantor and who executed the foregoing deed, and acknowledged before me that said person executed the same freely and voluntarily for the purpose therein expressed.

WITNESS my hand and seal this 20th day of October, A. D. 19 69

BEVERLEE A. LUTZ

My Commission Expires ~~Notary Public, Hennepin County, Minn.~~ *Beverlee A. Lutz*
by Commission Expires Mar. 4, 1970 Notary Public (NOTARY SEAL)

This instrument prepared by Thomas R. Brown, Esq.
LAW OFFICES OF CARROLL, VEGA, BROWN and NICHOLS
BALCH BUILDING, NAPLES, FLORIDA

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD IN THE CITY HALL
OF NAPLES, FLORIDA, WEDNESDAY, AUGUST 20, 1969, AT 9:00 A.M.

Roll Call: Present: Wesley G. Downing, Mayor
June E. Bremerman, Councilwoman
Lloyd M. Easterling
Goodloe McDowell
Philip C. Morse, Jr.
George H. Reardon, Jr.
S. Meredith Strong, Jr., Councilmen

Also Present: E. W. Brockenbrough, Jr., City Manager
Thomas T. Trettis, Jr., City Attorney
William F. Savidge, Public Works Director

Tom Morgan, Miami Herald
Sam England, Collier County News
Bob Moss, WNOG
Dave Moss, Gulf Coast Television
Darwin Baker, Gulf Coast Television
Tish Gray, Naples Star
Fred Winter, Fort Myers News-Press
Quane Fletcher, Gulf Coast Television

Thomas S. Campen
W. Stewart Pinkerton
Robert Moates
B. Clarke Nichols
Edward Truelli
J. Sandy Scatena
Mr. and Mrs. C. E. Anderson
Charles A. Ford
W. H. Herbert
L. N. Ingram III
Frank Stevenson
William P. Scott
Lillie Williams
Herbert Cambridge
Ray Barnett
Louise Gates
Leslie Gates

Edward Prata
Glen Dagley
William Poyer
Austin C. Snow
Mrs. Frank Blair

Interested citizens & visitors

Following invocation by Councilman McDowell, Motion made by Mrs. Bremerman, seconded by Mr. Easterling, that the minutes of the Regular Meeting of August 6, 1969, be approved as submitted, and the reading thereof dispensed with. Motion carried.

Agenda Item 4. PUBLIC HEARING on proposed enactment of ordinance establishing garbage and trash collection charges. Mayor Downing declared the Public Hearing, as continued from Regular Meeting of August 6, 1969, open. The Legal Notice read by City Attorney Trettis, and Mayor Downing called for those from the floor in favor of the proposed ordinance to speak. Attorney L. N. Ingram III, representing the Naples Apartment-Motel Association, expressed approval of the proposed ordinance on behalf of the Association, as well as from the standpoint of a private citizen, feeling it was fair to all concerned. In opposition were Miss Leslie Gates and Mrs. Frank Blair from the audience, and Vice Mayor Strong from the City Council. Councilwoman Bremerman spoke in favor, and the Public Hearing closed at 9:15 A. M. by Mayor Downing.

Motion made by Mr. Reardon, seconded by Mrs. Bremerman, that Ordinance No. 1499 be approved for adoption. Mr. Easterling offered an amendment to the motion, which was accepted by Mr. Reardon and Mrs. Bremerman, that the two lines in Section 1 - A - following (3) "Each Additional 30 Gal. can.....\$1.75

per month" and "Each Additional 20 gal. can....\$.25 per month", be deleted, based on the recommendation of the City Manager.

Roll Call vote:	Mrs. Bremerman	Aye
	Mr. Easterling	Aye
	Mr. McDowell	Aye
	Mr. Morse	Aye
	Mr. Reardon	Aye
	Mr. Strong	Nay
	Mayor Downing	Aye

Motion carried 6 - 1

Agenda Item 5. Proposed franchise for Gulf Coast Television. City Manager Brockenbrough submitted a revised Franchise Ordinance for Gulf Coast Television, with the statement that the revision occurs on page 8 wherein the Company agrees to a rate review and submission of financial information at renewal time. At the request of Vice Mayor Strong, the transcript of statements made regarding the Gulf Coast Television franchise are attached to the Ordinance, and presented to Council members for reference. Motion made by Mr. Easterling, seconded by Mr. Reardon, to approve Ordinance No. 1500 as presented.

Roll Call vote:	Mrs. Bremerman	Yes
	Mr. Easterling	Yes
	Mr. McDowell	Yes
	Mr. Morse	Yes
	Mr. Reardon	Yes
	Mr. Strong	Yes
	Mayor Downing	Yes

Agenda Item 6. Request from Employees' Union relative to wages, contract and union dues checkoff. Mr. Ed Prata, Council 22 of the American Federation of State, County & Municipal Employees and representing Union Local No. 1476, appeared before Council, together with City employees, Mr. Austin C. Snow, Mr. Cecil G. Dagley and Mr. William Poyer. Mr. Prata referred to his meeting with Council on August 6, 1969 at which time he had presented the proposals of the City of Naples employees upon their request for a collective bargaining contract and checkoff for union dues, and reported that they are presently in negotiations with the City Manager on items in the contract, but the two items he could not talk on were the checkoff for dues and the contract. For clarification, Mayor Downing, stated Council did agree to negotiate for the benefit of the employees, but did not agree to a contract. Mrs. Bremerman was opposed to union checkoff, and as far as a written contract with a minority group of the City employees, she was also opposed, and now moved that both requests for a written contract and union checkoff be denied. Seconded by Mr. Morse. Under discussion, Mr. Prata asked Council to explain their action to the union members a 4:30 P. M. this date when they will be meeting across from City Hall. Mr. Strong asked Mr. Prata if it wouldn't be advisable to work out the wage situation during the time the budget is being finalized, but this was not agreed upon.

Roll Call vote on Mrs. Bremerman's motion, seconded by Mr. Morse, that both requests for written contract and checkoff for dues be denied:

Mrs. Bremerman	Yes
Mr. Easterling	Yes
Mr. McDowell	Yes
Mr. Morse	Yes
Mr. Reardon	Yes
Mr. Strong	Yes
Mayor Downing	Yes

Mayor Downing expressed his feeling that Council was sincere in what they were doing and fully realized the consequences that might come from it, and thought all on Council felt they were doing what is in the best interest of the City, and indirectly in the best interest of the employees. Council is concerned about their welfare and the employees of the City of Naples are among the highest paid in the State of Florida. It has been proven, and will continue to be proven by future Councils, but the feelings of the great majority of the people in the City must also be respected. There is a feeling that a checkoff would lead to an unreasonable control, but no one is objecting to organizing or Mr. Prata representing them. Council realized what the consequences might be and is fully ready to accept them.

Agenda Item 7. Approval of recommendations from Charter Revision Committee Motion made by Mr. McDowell, seconded by Mrs. Bremerman, that this item be placed on the agenda for the September 3 meeting, giving the City Attorney sufficient time to codify the present charter and the suggested amendments for study before action is taken. Motion carried.

Agenda Item 8. Authorization to prepare plans and specifications for construction of additional digester and 5 MG water storage facilities. City Manager Brockenbrough reported the engineers and administration are requesting authorization to prepare plans and specifications for the construction of an additional digester at the sewer plant. Estimated cost of this work is \$ 75,000. If approved, this project will be charged to the 2.2 million bond issue. Authorization to prepare plans and specifications is also requested for the construction of a 5 MG water storage facility. Estimated cost of this facility is \$ 270,000. If approved, this project will be charged to the City's Renewal and Replacement Account in the Water-Sewer Fund.

Motion made by Mr. Easterling, seconded by Mr. McDowell, that the firm of Black, Crow & Eidsness, Inc. be authorized to prepare the plans and specifications for the construction of the additional digester at the sewer plant, and also plans and specifications for the 5 million gallon water storage tank on the property purchased North of the City. Motion carried.

Agenda Item 9. Resolution declaring a need for the City of Naples Airport Authority to function and officially appointing commissioners to the Authority under Special Legislation, House Bill 2582. Resolution read in its entirety by City Attorney Trettis, and with motion made by Mr. Easterling, second by Mr. Morse, Resolution No. 1501 was adopted, with the "Nay" vote of Councilman Reardon being herewith recorded.

In Reply to a question by Mrs. Bremerman, Mr. Trettis stated the City will have to execute a lease to the Airport Authority for them to continue with their jurisdiction over the airport.

Agenda Item 10. Second reading of Ordinance No. 1498, amending Section 12, Subsection "D", Ordinance No 1319, being Appendix A - Zoning, Code of Ordinances, City of Naples. Following reading of the ordinance, motion made by Mr. McDowell, seconded by Mr. Reardon, and carried, that Ordinance No. 1498 be approved on second reading.

Agenda Item 11. Appointment of auditor for fiscal year 1969-70. City Manager Brockenbrough noted the Charter requires the appointment of an auditor prior to the end of the fiscal year, and the appointment of an auditor, is a matter of discretion on the part of Council. He reported that in line with Council instructions he had contacted Alfred J. Hackney and he would accept the appointment and the time limitation for delivery of February 1.

Motion made by Mrs. Bremerman, seconded by Mr. Easterling, to award the contract for the audit to Alfred J. Hackney. Motion carried.

Agenda Item 12. Establishment of date for Public Hearing on 1969-70 budget. Inasmuch as Council has not completed the budget, it was thought a date could not be definitely set at this time, and motion made by Mr. Easterling, seconded by Mrs. Bremerman, asking the Mayor to call a Special Meeting at such time as the budget has been finalized and a date can be set for the Public Hearing. Motion carried.

Agenda Item 13. Approval of relocation cul-de-sac, western terminus of Chesapeake Avenue. Action on this matter was delayed at the meeting of August 6 due to the lack of confirmation from the adjacent property owners. With the letters of approval now at hand, motion made by Mr. Strong, seconded by Mr. McDowell, to approve the relocation. Motion carried.

Agenda Item 14. Resolution of condolence to the family of Nicholas Wallingford. Following reading, motion made by Mr. McDowell, seconded by Mrs. Bremerman, and carried, approving Resolution No. 1502.

Agenda Item 15. Approval of miscellaneous water extensions. Presented by City Manager Brockenbrough, who recommended approval of the application to serve immediately four lots in Caribe Wood, and ultimately nine lots. Motion made by Mr. Strong, seconded by Mrs. Bremerman, to approve the application. Motion carried

Agenda Item 16. Requisition No. 36 to be paid from the Water-Sewer Construction fund. The City Manager submitted certified data as approved by the Public Works Director, with the recommendation the invoices be paid. Motion made by Mr. Reardon, seconded by Mr. McDowell, that Requisition No. 36 be paid, and Resolution No. 1503 as read be approved. Motion carried.

CORRESPONDENCE: None.

Mr. Brockenbrough asked that Council place on the agenda by 5/7's vote of Council, an application for a Special Use Permit for a banner at 5th Avenue and 8th Street South for United Fund of Collier County, Inc., by Reverend David C. Moss, President. Motion made by Mr. Easterling, seconded by Mr. Morse, that the application for the banner by United Fund be placed on the agenda.

Roll Call vote:	Mrs. Bremerman	Yes
	Mr. Easterling	Yes
	Mr. McDowell	Yes
	Mr. Morse	Yes
	Mr. Reardon	Yes
	Mr. Strong	Yes
	Mayor Downing	Yes

Motion made by Mr. McDowell, seconded by Mr. Morse, that the application be denied, and the \$ 10.00 application fee be returned.
 Motion carried. This banner being 30 ft. long and 4 ft. wide, Mr. McDowell said, with regard to his motion, that this would open the floodgates for every institution and organization in the City to request the same thing, and if this request was granted, others could not be denied, thus setting a precedent for the future.

Meeting adjourned at 10:10 A. M. upon motion made by Mr. Strong, seconded by Mrs. Bremerman, and carried

Elsie Lehman, City Clerk

Wesley G. Downing, Mayor



000995

Nº 21775

NOTARY CERTIFICATE (Jurat) C. C. 39 800



State of Minnesota }
COUNTY OF HENNEPIN } ss.

According to Minnesota State law, no record or impression of Notary Public Seal is required to be filed in this office.

I, GERALD R. NELSON, Clerk of the District Court for the County of Hennepin, Fourth Judicial District of the State of Minnesota, the same being a court of record and having a seal, do hereby certify that

Beverlee A. Lutz

whose name is subscribed to the Jurat of the annexed affidavit, was at the time, a Notary Public residing in said county, duly commissioned and qualified and authorized by the laws of the State of Minnesota to administer oaths and to take and certify acknowledgments or proofs of deeds of lands in said State, and that I am well acquainted with the handwriting of the said Notary and verily believe that the signature to the said affidavit is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, at the City of Minneapolis, in said

County, this 5th day of Nov, A. D. 1969

Gerald R. Nelson, Clerk

WILSON, MILLER, BARTON & SOLL, INC.

PROFESSIONAL ENGINEERS, LAND SURVEYORS AND PLANNERS

W. R. WILSON, P.E., P.L.S.
R. W. MILLER, P.E.
W. L. BARTON, P.E.
C. H. SOLL, P.L.S.
G. E. CLARKE, P.L.S.

PEPPARD BUILDING
661 - 665 FIFTH AVENUE, SOUTH
P. O. BOX 1468
NAPLES, FLORIDA 33940

TELEPHONES:
MIDWAY 2-4055 AND 2-4053

DESCRIPTION TO VACATE

All that part of Chesapeake Avenue lying West of a line which is described as being the Southerly prolongation of the East line of Lot 19 of Oyster Bay, Unit No. 2 according to the plat thereof recorded in Plat Book 4, page 46 of the Public Records of Collier County, Florida

and

a drainage easement which is shown as being the Northerly 10 feet of Lot 21 of Oyster Bay Unit No. 5 according to the plat thereof recorded in Plat Book 4, page 55 of the Public Records of Collier County, Florida.

WILSON, MILLER, BARTON & SOLL, INC.
Reg. Engineers and Land Surveyors

By G. E. Clarke R.L.S.

July 24, 1969

W. D. #7499

LAW OFFICES
CARROLL, VEGA, BROWN
AND NICHOLS, P. A.

SUITE II BALCH BUILDING
NAPLES, FLORIDA 33940

MIDWAY 2-5148-2-5149

G. E. CARROLL
GEORGE VEGA, JR.
THOMAS R. BROWN
B. CLARKE NICHOLS
ROBERT A. NEINAS

12 November 1969

Thomas T. Trettis, Esquire
City Attorney
City Hall
Naples, Florida 33940

Re: Oyster Bay Vacation - David Ramsay and Arthur
Bredesen, Jr.

Dear Tom:

On September 26, 1969, I forwarded to you the description
of the property to be vacated by the City in regards to the
above captioned matter.

I am enclosing the Warranty Deed from the Ramsays to the
City which represents the property they were to convey for
easement purposes.

Would you please return this deed together with a certified
copy of the vacating ordinance so that I may record the
same.

Respectfully,



Thomas R. Brown

TRB/ik
Enc.

00001001

LAW OFFICES
CARROLL, VEGA, BROWN
AND NICHOLS, P. A.

SUITE II BALCH BUILDING
NAPLES, FLORIDA 33940
MIDWAY 2-5148-2-5149

G. E. CARROLL
GEORGE VEGA, JR.
THOMAS R. BROWN
B. CLARKE NICHOLS
ROBERT A. NEINAS

September 26, 1969

Thomas Trettis, Jr., Esquire
City Attorney
City Hall
735 8th Street South
Naples, Florida 33940

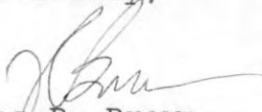
Re: Oyster Bay Vacation

Dear Tom:

I am enclosing a copy of the deed which will be conveyed from the fee owner of the property in Oyster Bay. Would you please prepare the necessary ordinance vacating the cul-de-sac and easement.

I am also enclosing a description to vacate prepared by Wilson, Miller, Barton & Soll, Inc. As soon as I have received the executed Deed, we can complete this transaction.

Respectfully,


Thomas R. Brown

jb
att

80001003

LAW OFFICES
CARROLL, VEGA, BROWN
AND NICHOLS, P. A.

SUITE II BALCH BUILDING
NAPLES, FLORIDA 33940
MIDWAY 2-5148-2-5149

G. E. CARROLL
GEORGE VEGA, JR.
THOMAS R. BROWN
B. CLARKE NICHOLS
ROBERT A. NEINAS

August 26, 1969

Hon. E. W. Brockenbrough, Jr.
City Manager
City of Naples
735 8th Street South
Naples, Florida 33940

Dear Mr. Brockenbrough:

I am enclosing a copy of an Easement I have forwarded for Hovland Construction Company's signature in re the drainage easement to be granted on Lot 19. I assume that you will prepare the necessary ordinance which would vacate the present easement together with the drainage easement which is located between the present cul-de-sac and Naples Bay.

Would you please advise if you wish a new dedication for the re-located cul-de-sac. If you wish a dedication, please forward to us your dedication forms and I will prepare the documents for the proper signatures.

Respectfully,


Thomas R. Brown

jb
att
cc: David C. Ramsey

EASEMENT

200700

THIS INDENTURE, made this _____ day of _____, 1969,
between HOVLAND CONSTRUCTION COMPANY, a Florida corporation, the
Grantor, and THE CITY OF NAPLES, NAPLES, FLORIDA, whose post office
address is 735 8th Street South, Naples, Florida, the Grantee.

WITNESS, that the Grantor, for and in consideration of the sum
of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION in hand paid by the
Grantee, receipt whereof is hereby acknowledged, hereby conveys to
the Grantee an Easement on the following described real property
located in Collier County, Florida, more fully described as:

-----The East 10 feet of Lot 19, Unit 2, Oyster Bay,
recorded in Plat Book 4, page 46, Public Records
of Collier County, Florida.-----

for use of drainage purposes.

IN WITNESS WHEREOF, Grantor has hereto set his hand and seal
on the day and year first above-written.

(CORPORATE SEAL)
HOVLAND CONSTRUCTION COMPANY

By: _____

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day personally appeared before me,
an officer duly authorized to administer oaths and take acknowledgments,
as _____
of HOVLAND CONSTRUCTION COMPANY, a Florida corporation, to me well known
to be the person described as Grantor and who executed the foregoing
and acknowledged before me that said person executed the same freely
and voluntarily for the purpose therein expressed.

WITNESS my hand and seal this _____ day of _____, A.D. 1969.

(NOTARY SEAL)

Notary Public
My Commission expires: _____

(CORPORATE SEAL)
HOVLAND CONSTRUCTION COMPANY

By: _____

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD IN THE CITY HALL
OF NAPLES, FLORIDA, WEDNESDAY, AUGUST 6, 1969, AT 9:00 A. M.

Roll Call: Present: Wesley G. Downing, Mayor
June E. Bremerman, Councilwoman
Lloyd M. Easterling
Goodloe McDowell
Philip C. Morse, Jr.
George H. Reardon, Jr.
S. Meredith Strong, Jr., Councilmen

Also Present: E. W. Brockenbrough, Jr., City Manager
Thomas T. Trettis, Jr., City Attorney

Tom Morgan, Miami Herald
Sam England, Collier County News
Bob Moss, WNOG
Dave Moss, Gulf Coast Television
Darwin Baker, Gulf Coast Television
Tish Gray, Naples Star
Fred Winter, Fort Myers News-Press
Quane Fletcher, Gulf Coast Television

Reverend D. Harland Fague
W. Stewart Pinkerton
Thomas S. Campen
Clarence Bauchspies
Robert Moates
B. Clarke Nichols
Mr. Truelli
L. L. Hampton
Gabriel Luff
Mr. and Mrs. C. E. Anderson
Mr. and Mrs. Lester Grimes

Engineer Soll
Lloyd Sheehan
Edward Prata
H. B. Watkins, Jr.
Larry Ingram
Lynn Gerald, Jr.
W. H. Herbert
Ray Waln
Dorothy Weiss
Delegation from Royal Harbor
Delegation from Motel-Hotel Assoc.

Thomas R. Brown
Charles A. Ford
Vincent P. Wood, Jr.
A. C. Waghorne
Charles McCully
Frank Stevenson
Louise Gates
Peter Nagurny
John Crombie
Jerome Bijur
Interested citizens & visitors

Following invocation by Reverend Fague, motion made by Mr. McDowell, seconded by Mr. Reardon, that the minutes of the Regular Meeting of July 16, 1969, be approved as submitted, and the reading thereof dispensed with. Motion carried.

Agenda Item 4. PUBLIC HEARINGS: (a) Proposed ordinance establishing a refuse collection charge, and (b) Proposed relocation of the southern right-of-way adjacent to the Beach Club Hotel golf course connecting Crayton Road and Oleander Drive.

Mayor Downing declared the Public Hearing open on Agenda Item 4 (b) and City Attorney Trettis read the Legal Notice. City Manager Brockenbrough stated the plans as prepared by the engineering firm for the applicant had been reviewed, with the plans meeting the approval of the City. If approved, the street as reconstructed and relocated will be an improvement over the existing street, due to the fact the applicant must meet the construction specifications concerning the type of construction and will

- 2 -

have to put in curb and gutter, together with any necessary drainage. Mayor Downing requested the petitioner or his agent to speak, whereupon Attorney Lynn Gerald, Jr., representing the Beach Club Hotel, appeared before Council. Attorney Gerald pointed out that benefits to be derived from this relocation would include reconstruction of the street to existing specifications at no cost to the City, and an increased safety factor due to the more than 90 degree turn.

No one in the audience answered to the Mayor's call for those in favor of the request to speak, and those speaking in opposition to the petition followed in order. Messrs. Peter Nagurny, owner of Lot 37; Charles McCully, owner of Lot 34; Harry Cunningham, owner of Lot 43; John Crombie, 1131 Crayton Road, and Jerome Bijur. Reasons given ranged from invasion of privacy, traffic congestion, converting property into a corner lot, resulting litter from parked cars, downgrading of property by changing the zoning from Residential "C" to "G", and the hazard of the Beach Club hedge. The general objection was that it would not be in the public interest to relocate the street, but could be construed as a benefit to private interest.

Attorney Gerald in rebuttal offered the following: that no request was being made for a zoning change; no change in the existing driving range; some rubble would be eliminated and the property values would not be downgraded. He said the two affected lots would stand to gain some 40 ft. of property; in long range planning there was no intention to use the additional 75 ft. for buildings. If necessary to relocate utilities, the Beach Club would grant easements for same, and the City would be getting a new road.

There was some question as to whether or not the City could force the affected property owners to take over more land and pay more taxes because of the acquisition. A letter from Mr. and Mrs. William P. Henderson was read by Mayor Downing in which no objection to the relocation of Crayton Road was made. However, it was noted they will no longer be occupying this property. Upon question, it was established by Mr. Trettis, that the Planning Advisory Board did not approve the relocation in toto. It was stipulated that the relocation be approved subject to the contiguous or adjacent property owners accepting the proposal of changing their lots from an interior lot to a corner lot.

Motion made by Mr. Strong, seconded by Mr. Easterling, that this item be continued until the next regular meeting on August 20th. Motion carried with the "Nay" vote of Councilman Morse being herewith recorded. Councilman Reardon asked the City Manager to have the proposed road staked off before the next meeting so that Council members might view the situation in its entirety.

Agenda Item 4 (a) Proposed ordinance establishing a refuse collection charge. Mayor Downing explained the display ad which had been ordered placed in the newspapers following the last regular meeting of Council, announcing the Public Hearing this date, had inadvertently been omitted

through some error on the part of the newspaper. Due to the lack of coverage on the subject, the Public Hearing would be continued until the next regular meeting on August 20th. However, because of the many citizens present interested in the item, Mayor Downing asked Attorney Trettis to read the proposed ordinance as prepared, and those in favor of the adoption of same were invited to speak. There were none in favor and at the request for those in opposition, the following expressed their views: Frank Stevenson, Attorney L. N. Ingram III, representing Naples Apartment-Motel Association, Miss Louise Gates, and Mrs. Dorothy Weiss of the Southernaire and Fairlane Apartments. The objections varied and included questions as to who determines the size containers, the request for assurance the apartments-hotels will not be paying on a maximum number of containers the year round as this business is considered seasonal, equality through ad valorem tax rather than individual refuse charges, and individual units of apartments being charged the same rate as residences. It was thought if consideration should be shown for commercial operations during non-season periods, the same should be shown to private residents who are out of the City for long periods of time and not using the services. It would be necessary to maintain the work crews and the equipment for the full year and therefore the cost should be based on an average use and not considered a seasonal problem.

There were no further comments from the floor, and with motion made by Mrs. Bremerman, second by Mr. Reardon, the Public Hearing continued until next regular meeting on August 20, with the stipulation that in the advertising for that meeting, clarification be made as to this apartment charge. Motion carried with the "Nay" vote of Councilman McDowell being recorded.

A subject for discussion of the seawall line, groins and beach erosion problems in conjunction with the U. S. Corps of Engineers study, was placed on the agenda by 5/7's vote of Council. Motion made by Mrs. Bremerman, seconded by Mr. McDowell to place the item on the agenda.

Roll Call vote:	Mrs. Bremerman	Aye
	Mr. Easterling	Aye
	Mr. McDowell	Aye
	Mr. Morse	Aye
	Mr. Reardon	Aye
	Mr. Strong	Nay
Motion carried	Mayor Downing	Aye

City Manager Brockenbrough reported that City Council had requested the presence of the representatives of the Coastal Engineering Department of the University of Florida to give some description of the proposed study of a seawall line. As background, Council had asked the Planning Advisory Board to prepare an ordinance which would regulate the construction of seawalls. The Planning Board, through Mr. William Vines, had contacted the Coastal Engineering Department asking them for a proposal. This had been submitted to the City Council and it was determined at that time funds were not available but perhaps could be made available in the budget. Mr. Robert Dalrymple explained the cost of the proposed study to be \$4800.00 to include the coast line from Doctors Pass south to Gordon Pass. The

critical area at this time being the coast line to the North, Mr. Dalrymple was asked for an estimate on a proposal for the study to include that section to the City limits. This was approximately \$5,000 and Mr. Dalrymple asked to submit proposal for Council consideration.

Agenda Item 5. Report from the Planning Advisory Board concerning relocation of the cul-de-sac at the western terminus of Chesapeake Avenue. The memorandum from Planning Advisory Board was read by City Attorney Trettis which recommended the proposed vacating and relocation of Chesapeake Avenue cul-de-sac subject to the following: (1) receipt of written requests from the two property owners involved (2) approval of all affected City agencies and (3) expense of new pavement, relocation of utilities and storm drains to be borne by the applicants to conform to City requirements.

Mr. Thomas R. Brown, representing owners of Lots 19, 20, 21, Unit 5 and Lots 19, 20, Unit 2, spoke from the floor on behalf of the owners requesting the relocation. He said Mr. Donald Stoneburner, owner of Lot 21, Unit 2, had not yet been contacted. It was the feeling of Council that the applicant should be responsible for obtaining the approval of the property owners involved, and motion made by Mrs. Bremerman, seconded by Mr. Strong, and carried, that this item be placed on the agenda for next regular meeting on August 20, with receipts on hand of the requirements specified, reference Planning Advisory Board memorandum of July 22, 1969.

Agenda Item 6. Report from the Planning Advisory Board concerning the approval of Park Shore S/D Unit Mo. 3. Memorandum read by City Manager Brockenbrough under date of July 22, 1969, copy of which is herewith attached and made a portion of these minutes. The recommendation was the approval of Park Shore Unit 3 as proposed, with the stipulation that the 200 ft. for private beach in Unit 2, located at the end of Park Shore Drive, be included and made a part of the agreement. Park Shore was represented by Mr. Vincent P. Wood, Jr., Attorney B. Clarke Nichols and Engineer Soll of Wilson-Green-Miller & Soll, Inc. It was explained the 200 ft. wide x 900 ft. deep private beach park for Park Shore residents is located at the mid-point of the Park Shore Beach and would be a substitute for the 100 ft. public access at the North end of the beach. There is already dedicated a 100 ft. of public beach access on the South end. The 200 ft. in Unit 2, it was stated, would be conveyed to the Property Owners Association for their administration. Vice Mayor Strong requested an agreement be made that should the Association not maintain the area in good condition the City would have the right to cause it to be mowed, charging same to the owners of the property. This stipulation was accepted with the statement by Attorney Nichols that the City has this provision presently in the lot mowing regulation.

Motion made by Mr. Strong, seconded by Mr. McDowell, that the portion of Lot 13, Unit 2 of the plat submitted and as recorded on April 2, 1969, be approved for use as requested and the map made a part of the record. Motion carried unanimously.

Motion made by Mr. Easterling, seconded by Mr. Strong, that the plat for Unit 3 as presented and on file be approved. Motion carried unanimously.

Agenda Item 7. Approval of franchise renewal for Gulf Coast Television.

City Manager Brockenbrough submitted a revised Cable TV Franchise Ordinance which he had been instructed to prepare at meeting of July 16, 1969, and which had been accepted by the Company, Mr. Brockenbrough's comments under date of August 1, 1969 are herewith attached and made a portion of these minutes. Referring to the conference meeting on Tuesday, August 5, Council felt the two main differences in opinion between the City and Gulf Coast Television on proposed agreement were: the company objection to periodic financial reports and the right of Council to review the rate structure at the end of the ten year period. Agreement had not been reached between Council and the Cable TV on these two subjects. Attorney Nichols reiterated the statement that these modifications proposed by Council were not acceptable to the owner, Dr. Palmer, and the opinion was unchanged on the matter. He stressed the point Gulf Coast Television was not considered as a public utility, and therefore not subject to these provisions.

Motion made by Mr. Strong, seconded by Mrs. Bremerman, that this whole new agreement as written be cancelled and the item placed on the next agenda for regular meeting of August 20 for consideration of renewal of the old Ordinance No. 768 for ten years only.

Attorney Nichols suggested a two week continuance with the City Manager instructed to try to negotiate this one aspect.

Roll call vote on the motion:	Mrs. Bremerman	Yes
	Mr. Easterling	Yes
	Mr. McDowell	Yes
	Mr. Morse	Yes
	Mr. Reardon	No
	Mr. Strong	Yes
	Mayor Downing	Yes

Motion carried 6 - 1

Councilman Easterling stated that in the event nothing can be worked out on the new agreement prior to the next meeting, if at that time Council takes up the matter of the renewal of the present contract, he intended to ask that this Council write a memo of recommendation to the 1977 Council and have it attached to this renewal. This will be two years before the renewal option period would expire, and suggest to that Council they call for bids from all interested firms to purchase from the City, for cash, the Cable TV franchise for ten years, and all bids to be accompanied by a firm schedule of all charges to be made for connection and service charges to the public, with the City to retain the right to reject all bids and purchase the existing system from the present owners, according to Chapter 167.22 of the Florida Statutes of 1953.

Agenda Item 8. Reconsideration of the disposition of the fill constructed on the eastern side of the Bay of Naples. This item had been placed on the agenda to hear from the developer as to what the plans are for development. Mr. Lloyd Sheehan, together with Mr. Gabriel Luff, who had sold the property to Mr. Sheehan, appeared before Council and asked for an extension of time to finish the project, and to arrive at a development plan acceptable to Council, the developers, and all parties. Mr. Sheehan said if it requires the removal of the fill, so be it. Action taken at the meeting of April 2, 1969 referred to, at which time definite action had been taken by Council regarding the plan and requesting the developer to take immediate steps relating to the finger of property which was considered to have been illegally

filled. Delay had been requested until such time as a plan had been presented by Mr. Vines and Mr. Sheehan to decide what action he would take, based on that plan.

Correspondence read into the record by Mayor Downing, copies of which are herewith made a portion of these minutes: (1) Letter from Director Randolph Hodges of the Trustees of the Internal Improvement Fund (2) Joel Kuperberg, and (3) William R. Vines. It was established through question to Mr. Sheehan that Mr. William R. Vines has been retained by Mr. Sheehan.

Attorney Kenneth Hadcock, representing Royal Harbor Property Owners Association, stated if Mr. Sheehan removed the fill he would still be in violation. Mr. Sheehan said he was ready to proceed as soon as plans are available from the engineers.

Motion made by Mr. Reardon, seconded by Mrs. Bremerman, that the City Attorney be instructed to take this matter to Court to have the illegal fill removed.

Roll Call vote:	Mrs. Bremerman	Yes
	Mr. Easterling	Yes
	Mr. McDowell	Yes
	Mr. Morse	Yes
	Mr. Reardon	Yes
	Mr. Strong	No *
	Mayor Downing	No **

Motion carried 5 - 2

* "Nay" vote of Mr. Strong qualified because he thought it affects too many of the property owners on the west side of the Bay.

** "Nay" vote of Mayor Downing qualified with the statement he was in favor of removing the fill, but felt consideration should be given to an extension, as all have been faced with this problem of trying to get work done in a given period of time.

Agenda Item 9. Reconsideration of the City's policy relative to water-sewer main extensions outside of the City limits. Motion made by Mr. Strong, that all of the requests for water-sewer main extensions outside the City limits be approved, where feasible, and brought before Council, and that the resolution of the County Commission on this subject of assuring the City their full cooperation, be made a portion of the motion. There was no second and motion withdrawn.

Motion made by Mr. Strong, seconded by Mrs. Bremerman, that Council will consider extensions outside the City limits for water, where feasible, and that the resolution of the County Commission be made a part of the motion. Motion carried.

A list of applications at this time read by City Manager Brockenbrough, namely; Bill Stone, Les Whitaker, Bob Cadenhead, Motion made by Mr. Easterling, seconded by Mrs. Bremerman, that the extensions of the water system to the individuals as read by the City Manager, be approved. Motion carried.

Mr. L. L. Hampton, representing Baker-Carroll Point, at this time applied for extension of water main to serve that area. A memorandum from Engineer Robert Ghiotto addressed to City Manager Brockenbrough under date of May 29, 1969, with sketch enclosed showing the proposed location and route to be taken, was on file.

With motion made by Mr. Strong, second by Mrs. Bremerman, this request by the applicant approved, subject to approval of Black, Crow & Eidsness, Inc. Vice Mayor Strong stated the County Commission, both verbally and on record, had agreed to furnish the City with the necessary locations to drill for water in accordance with the requirements of the City, and that he felt the County Commission had gone all of the way in trying to prove their willingness to cooperate.

Roll Call vote:	Mrs. Bremerman	Aye	
	Mr. Easterling	Aye	*
	Mr. McDowell	Aye	
	Mr. Morse	Aye	
	Mr. Reardon	Aye	
	Mr. Strong	Aye	
	Mayor Downing	Aye	

* Mr. Easterling qualified his "Aye" vote because of the resolution passed by the County which recognized that the City must have access to the raw water supply, and said he was voting "Aye" because of his belief they mean to give the City the wells that are needed.

Meeting recessed by Mayor Downing at 12:05 P. M. to resume at 2:00 P. M.

Following recess, with all Council members in attendance, meeting convened to consider Agenda Item 10. Tabulation of bids for the purchase of one tractor and Third Street Lighting equipment.

City Manager Brockenbrough submitted tabulation of bids received on Friday, July 18, 1969, with recommendation from Mr. W. F. Savidge, Director of Public Works, to award the bid on the tractor to Nash Tractor Company of Fort Myers (second low bid) in the amount of \$ 3900.00 net. Mr. Strong moved to approve the recommendation. Seconded by Mr. McDowell, and carried. Tabulation of bids for materials for the Street Lighting Project on Third Street between Broad Avenue and 14th Avenue South, submitted by Mr. Brockenbrough, with recommendation for award to the low bidders, Raybro Electric and Graybar Electric, in total amount of \$ 4597.00 Motion made by Mrs. Bremerman, seconded by Mr. McDowell, and carried, to approve the award as recommended.

Agenda Item 11. Appointment of members to the Airport Authority. Mayor Downing, in accordance with the recently passed Airport Authority Bill, made the following recommendations to Council for their approval to fill the five vacancies: Mike Haynes, 1 year; Potter Smith, 2 years; Miles Scofield, 3 years; William Creason, 4 years; Robert Hill, 4 years. Motion made by Mr. Easterling, seconded by Mrs. Bremerman, to approve the five appointments. Motion carried, with the "Nay" vote of Councilman Reardon being herewith recorded.

Agenda Item 12. Resolution of condolence to the family of Mrs. Clarice

Benson. Resolution read by City Attorney Trettis, and with motion made by Mrs. Bremerman, second by Mr. Strong, Resolution No. 1494 approved as presented. Motion carried.

Councilman McDowell requested the City Attorney to prepare a similar resolution of condolence to the family of Planning Advisory Board member, Nicholas Wallingford, for Council approval at the next regular meeting on August 20, 1969.

Agenda Item 13. Seaboard Coast Line Railroad permit resolution authorizing the construction of water mains under railroad at 22nd Avenue North and 17th Avenue North. Motion made by Mr. Strong, seconded by Mr. Reardon, that Resolution No. 1495 be approved as presented. Motion carried.

Agenda Item 14. Ordinance authorizing Texaco, Inc. to expand a non-conforming structure situated at 694 9th Street North. Ordinance read in its entirety by City Attorney Trettis, and with motion made by Mr. McDowell, second by Mr. Easterling, Ordinance No. 1496 approved for adoption. Motion carried.

Agenda Item 15. Ordinance granting a special exception to Bank of Naples to construct drive-in windows at 796 5th Avenue South. Following reading by Mr. Trettis, Mr. Easterling moved to approve Ordinance No. 1497 as submitted. Seconded by Mr. Morse, and carried.

Agenda Item 16. Ordinance amending Section 12, "Explanation of Procedure for Filing Rezone Petitions, Petitions for Special Exception and Petitions for a change in text of Zoning Ordinances," Sub-Section "D" Ordinance No. 1319, being Appendix A - Zoning, Code of Ordinances, City of Naples. Motion made by Mrs. Bremerman, seconded by Mr. McDowell, to approve Ordinance No. 1498 at first reading. Second and final reading to be an agenda item for regular meeting of August 20, 1969. Motion carried.

Agenda Item 17. Requisition No. 36 to be paid from the Water-Sewer Bond Construction Fund. None presented.

CORRESPONDENCE: (1) Tentative date set by Council for budget study during the week beginning August 18th. (2) Memorandum from Mr. Gilbert E. Oliver re meeting dates for joint Public Hearings between the Planning Advisory Board and City Council. This item to be placed on the agenda for next regular Council meeting on August 20 for discussion. (3) Memorandum received from the Charter Study Committee urging the preparation of the bill to be introduced at the next legislative session with necessary arrangement for its sponsorship. This item referred to the City Attorney to be placed on the agenda for next regular meeting on August 20th. (4) Letter to City Manager Brockenbrough from Chief J. Harold Grimes, Design Branch, Engineering Division Department of the Army Corps of Engineers, regarding results of recent surveys of the navigation channel at Naples, with the request for recommendations as to spoil areas to be used in the maintenance dredging at the shoals in the vicinity of Gordon Pass in Cuts 1 and 4. Reply was requested by the Corps of Engineers by August 15, 1969. City Manager Brockenbrough was instructed to contact the adjacent property owners and call for an extension of time for reply beyond the August 15 date in making the recommendation.

Mr. Edward Prata, representing Union Local No. 1476, American Federation of State, County & Municipal Employees (Affiliated with the AFL-CIO) appeared before Council asking to be heard. This matter not having been advertised as an agenda item, with motion made by Mr. McDowell, seconded by Mrs. Bremerman, and carried, meeting adjourned at 2:30 P. M. for the regular order of business, with Public Hearing continued to August 20, as previously set forth, on Agenda Item 4 (a) Proposed ordinance establishing a refuse collection charge.

Mr. Prata at this time invited to speak. City Manager Brockenbrough, following a meeting with Mr. Prata and union representatives, submitted to Council the subject matter of twenty items requested by Union Local No. 1476, together with his comments on each item. Mr. Prata now asked Council consideration of Items 1 and 3, Contract Agreement and Check-off for dues, respectively. It was the consensus of opinion of Council members that this subject should be discussed during the budget sessions prior to reaching any decision on the items listed, and the item placed on the agenda for the regular meeting of September 3, 1969.

Upon question to Mr. Prata, it was reported some 69 employees of the Public Works Department are presently members of Union Local No. 1476, American Federation of State, County & Municipal Employees (Affiliated with the AFL-CIO).

Elsie Lehman, City Clerk

Wesley G. Downing, Mayor