



# City of Naples

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR PUTZELL - Certificate Presentation to Thomas & Sally Jo Dunckley for their citizenship and service to the City of Naples.			1
-CITY MANAGER JONES - None.			
<u>APPROVAL OF MINUTES</u> - Workshop Meeting, 06/11/86 Regular Meeting, 06/18/86 Worshop Meeting, 06/25/86 Special Meeting, 07/01/86 Workshop Meeting, 07/15/86 Workshop Meeting, 07/15/86 (Upstairs) Regular Meeting, 07/16/86 Workshop Meeting, 07/23/86 Workshop Meeting, 07/30/86			
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<u>CEREMONY/DISCUSSION</u>			
-CEREMONY - recognizing City employees for years of service.			1
-DISCUSSION - concerning salaries and benefits for City Council members.			1,2,3
<u>RESOLUTIONS</u>			
-Adopt appointment of Donald E. Flock to Contractors Examining Bd.		86-5039	3
-Adopt appointment of (R/UDAT) Steering Committee.		86-5040	4
-Adopt drainage easement from FPL, Lot 14, Seaboard Downtown.		86-5041	5
-Adopt right-of-way easement from Raymond & Scott Lutgert, Neapolitan Shopping Center.		86-5042	5
-Adopt easement and bill of sale from the Commons II.		86-5043	5
-Adopt Bill of sale from Windstar Dev., the Haldeman Creek Drive water distribution facility.		86-5044	5
-Adopt special exception to permit a radio station office and broadcasting studio in Grand Central Station.		86-5048	6
-Approve variance from zoning ordinance to permit a second story addition at 61 12th Avenue South.		86-5049	7
-Approve special exception to permit off-site parking for the First Presbyterian Church of Naples.		86-5051	8
<u>PURCHASING</u>			
-Bid Award - Recreational Lighting at Cambier Park.		86-5045	5
-Bid Award - Physical Fitness Equipment for the Fire Department		86-5046	5
-Bid Award - Two (2) submersible sewage pumps.		86-5047	6
<u>ORDINANCES - Second Reading</u>			
-Adoptrezone from "R3-12" to "PS" - First Presbyterian Church.	86-5050		8
<u>ORDINANCES - First Reading</u>			
-TABLE rezone and amendment of the Zoning ordinances.			6
-Approve rezone of River Park/Carver Apartments from "C3" to "C-2".			10
-Approve amendment to Code of Ordinances - Polling Places.			10
-Approve authorization for City Manager to advertise and accept bids for the public works water main project and equipment.			11
<u>RESOLUTIONS - Tabled</u>			
-TABLE special exception permit for off-site parking 1067 Tenth Ave.			9
-TABLE temporary use permit for three temporary office structures in NW Section of the airport.			11
<u>DISCUSSION</u>			
-regarding Pelican Bay improvement district water connection.			12
<u>CORRESPONDENCE &amp; COMMUNICATION</u>			
-Group circulating height restriction petition are considering a compromise to submit to Council.			13



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DISCUSSION/ACTION-SALARIES, BENEFITS (cont.) ITEM 5

The committee's recommendations -- on salaries and on pensions -- would be considered separately. Mayor Putzell then read the committee's resolution containing its recommendations (Attachment #3).

Citizen Harry Rothchild said he wasn't satisfied that the committee's recommendations offered a satisfactory solution and asked how the salary set by a previous Council would affect those members who were not up for re-election. He cited minutes of the March 5, 1985 City Council meeting where opposition to a proposed Council salary increase was voiced by citizens, including former Council members and said that future increases should be approved by the electorate.

Councilman Graver said he agreed in many respects with the committee's recommendations but that all Council members, regardless of whether they had been up for re-election, should receive the new salaries after the election. Council should approve or disapprove recommendations itself, he concluded. Councilman Richardson, however, expressed disappointment that the committee had not recommended taking the issue of setting salaries totally out of Council's hands.

Mayor Putzell then called on committee member David Bennett who said the committee had determined it inappropriate for Council's salaries to be automatically set, such as by formulas like those used by the state. He said population, for example, is not really related to compensation of elected officials, although this is the system the state uses for county commissions. Council members aren't in it for the money, he concluded; they serve in the interest of the community.

Mayor Putzell suggested that in order to coincide with elections, the proposed committee review of Council salaries be every two years; Mr. Bennett concurred.

MOTION: To direct the City Attorney to prepare an ordinance implementing the ad hoc committee's salary recommendations with review every two years rather than every three.

A revision, accepted by both maker and seconder, inserted the provision that salary adjustments will be effective for all members of Council immediately after the ensuing election, which Mr. Bennett said was the committee's intent.

By acting in November preceding the February election, Mr. Rothchild observed, the committee's recommendation could be presented to the electorate; the problem would be out of Council's hands and the people could express themselves.

After further discussion it was indicated that the ordinance to be drafted contain a deadline of October 15 for the committee to submit its recommendation, thereby allowing the issue to remain fresh in the minds of voters in the February election.

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McDonald  
Barnett  
Bledsoe  
Crawford  
Graver  
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DISCUSSION/ACTION-SALARIES, BENEFITS (cont.)

ITEM 5

The second portion of the committee's recommendations, involving pensions, concluded that participation by members of City Council should be on a voluntary basis. Mayor Putzell, however, said he felt very strongly that there should be no participation whatsoever. Councilman Graver agreed and pointed out that pensions for Council members had been a prime issue in the past election. Councilman Anderson-McDonald, who serves as chairman of the General Pension Board, also stated that no elected official should be allowed to participate.

MOTION: That the ordinance to be drafted state that Council members will not participate in any City pension plan.

In addressing the pension issue, Mr. Rothchild told Council that this matter had created much dissension and enumerated in a prepared statement various past events to support his position (Attachment #4). He advocated that the resolution currently in effect which allowed Council participation in the City pension plan be declared null and void, ab initio, and that the City reimburse all contributions by members of the Council. He further proposed that former Councilman Thornton, who is receiving benefits, be refunded those contributions over and above the benefits received to date.

Expressing concern about assertions of illegality, Mayor Putzell announced that a legal opinion had been requested from an Orlando attorney who is expert in pension matters. That opinion had just been received. This must be thoroughly studied, he said, and recommended that Council act only on participation now and address further action later. Mayor Putzell stressed that the Council is committed to do what is right but cautioned against over-reacting and being punitive.

Upon Mayor Putzell's suggestion, Mr. Rothchild's recommendations will be duplicated for members of Council and Mr. Rothchild will receive a copy of the legal opinion.

ITEM #6

APPOINTMENT OF MEMBER TO CONTRACTORS EXAMINING BOARD. REQUESTED BY MAYOR PUTZELL.

Mayor Putzell explained that William Tracy had resigned from this board to serve on the newly constituted Code Enforcement Board and recommended that he be replaced by architect Donald E. Flock.

MOTION: To accept this recommendation.

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Anderson				
McDonald	X	X		
Barnett				X
Bledsoe				X
Crawford				X
Graver	X	X		
Richardson		X		
Putzell		X		
(4-0)				

COUNCIL MEMBERS

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A B S E N T

ITEM #7

APPOINTMENT OF CO-CHAIRMEN TO THE STEERING COMMITTEE WITH REFERENCE TO THE AMERICAN INSTITUTE OF ARCHITECTS REGIONAL/URBAN DESIGN ASSISTANCE TEAM (R/UDAT) PROGRAM. REQUESTED BY MAYOR PUTZELL.

Mayor Putzell recalled that at the last regular meeting the Council had discussed establishing a steering committee to assist with application to the AIA. His recommended co-chairmen are:

- Alfred French
- C. Lodge McKee
- Edward Oates

The committee will actually be very large, the Mayor explained, with volunteers from all walks of life and all segments of the community. He recommended the following members to complete the steering committee:

- David Bennett, Presidents' Council
- Brad Estes, Naples Civic Association
- Henry B. Watkins, Jr., Chamber of Commerce
- Toivo Tammerk, The Conservancy, Inc.
- J. Dudley Goodlette, attorney
- Willie Anthony, businessman

These recommendations were accepted by consensus.

The group will meet on Tuesday, the 11th, at 4:00 p.m. at Southeast Bank.

The Mayor concluded his remarks by observing how fortunate the community is to have people like these who are willing to serve and that this is the most important and valuable step toward long-range planning the City has taken in a long time.

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Recess because of sound system malfunction - 9:55 a.m. to 10:03 p.m.

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

- APPROVAL OF MINUTES:
- Workshop Meeting, 06/11/86
  - Regular Meeting, 06/18/86
  - Workshop Meeting, 06/25/86
  - Special Meeting, 07/01/86
  - Workshop Meeting, 07/15/86
  - Workshop Meeting, 07/15/86 (Upstairs)
  - Regular Meeting, 07/16/86
  - Workshop Meeting, 07/23/86
  - Workshop Meeting, 07/30/86

ITEM 8

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---RESOLUTION NO. 86-5041 ITEM 9

A RESOLUTION ACCEPTING A DRAINAGE EASEMENT FROM FLORIDA POWER & LIGHT COMPANY OVER THE WEST 12 FEET OF LOT 14, SEABOARD DOWNTOWN SUBDIVISION FOR LANDSCAPING PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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---RESOLUTION NO. 86-5042 ITEM 10

A RESOLUTION ACCEPTING A RIGHT-OF-WAY EASEMENT AT NEAPOLITAN WAY AND U.S. 41 FROM RAYMOND L. LUTGERT AND SCOTT F. LUTGERT FOR ROADWAY PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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---RESOLUTION NO. 86-5043 ITEM 11

A RESOLUTION ACCEPTING AN EASEMENT AND BILL OF SALE FROM THE COMMONS II LAND PARTNERSHIP RELATING TO THE WATER AND SEWER MAIN EXTENSION NO. 85-4 FOR THE COMMONS II; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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---RESOLUTION NO. 86-5044 ITEM 12

A RESOLUTION ACCEPTING A BILL OF SALE FROM WINDSTAR DEVELOPMENT COMPANY CONVEYING TO THE CITY THE HALDEMAN CREEK DRIVE WATER DISTRIBUTION FACILITY AT THE WINDSTAR DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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PURCHASING: ITEM 13

---RESOLUTION 86-5045 ITEM 13-a

A RESOLUTION AUTHORIZING THE BID FOR PROVIDING AND INSTALLING RECREATIONAL LIGHTING AT CAMBIER PARK; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

---RESOLUTION NO. 86-5046 ITEM 13-b

A RESOLUTION AWARING THE BID FOR PHYSICAL FITNESS EQUIPMENT TO BE USED BY THE FIRE DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

COUNCIL MEMBERS

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---RESOLUTION 86-5047

ITEM 13-c

A RESOLUTION AWARDING THE BID FOR TWO (2) SUBMERSIBLE SEWAGE PUMPS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

MOTION: To ADOPT the consent agenda as presented.

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Anderson-  
McDonald  
Barnett  
Bledsoe  
Crawford  
Graver  
Richardson  
Putzell  
(4-0)

X	X		
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ITEM #14

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD:

--RESOLUTION 86-5048

ITEM #14-A

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A RADIO STATION OFFICE AND BROADCASTING STUDIO TO BE LOCATED IN GRAND CENTRAL STATION SHOPPING CENTER; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Chief Planner Steve Ball briefly reviewed the Planning Advisory Board's recommendation with reference to this petition.

MOTION: To ADOPT resolution as presented.

Anderson  
McDonald  
Barnett  
Bledsoe  
Crawford  
Graver  
Richardson  
Putzell  
(4-0)

X		X	
			X
			X
			X
X		X	
		X	
		X	

--ORDINANCE 86-

ITEM #14-B

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT SEVENTH AVENUE SOUTH AND LYING BETWEEN NINTH AND TENTH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R3T-12" MULTIFAMILY RESIDENTIAL TO "PD" PLANNED DEVELOPMENT; DIRECTING THAT THE ZONING ATLAS BE REVISED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY DESCRIBED HEREIN AT THE REQUEST OF THE PROPERTY OWNER, BRIAN BEARDSLEY, IN ORDER TO PERMIT THE CONSTRUCTION OF TWO TWO-STORY OFFICE BUILDINGS.

Title read by City Attorney Rynders.

--ORDINANCE 86-

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF NAPLES RELATING TO THE PROPERTY LOCATED AT SEVENTH AVENUE SOUTH LYING BETWEEN NINTH STREET AND TENTH STREET; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CHANGE THE EXISTING COMPREHENSIVE PLAN DESIGNATION FOR SAID PROPERTY FROM "MEDIUM DENSITY RESIDENTIAL" TO "LIMITED COMMERCIAL" TO PERMIT CONSTRUCTION OF TWO TWO-STORY OFFICE BUILDINGS ON SAID PROPERTY PURSUANT TO THE REQUEST OF THE PROPERTY OWNER.

Title read by City Attorney Rynders.

COUNCIL MEMBERS

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ORDINANCE NO. 86- (cont.)

ITEM 14-b

Chief Planner Steve Ball outlined the Planning Advisory Board's recommendations and noted that the staff had recommended against a previous petition because some commercial uses had been proposed which were deemed not compatible with adjacent residential properties.

Attorney B. Clarke Nichols, representing the petitioner, clarified that due to market conditions there were no immediate plans for this project to go forward. The site is bounded on three sides by commercially zoned properties and, in reality, is inappropriate for multifamily uses, he stated. Staff recommendations will add attractiveness to the project, he said, and previous objections regarding increases in traffic by commercial uses have been satisfied by including only offices in the project.

Councilman Anderson-McDonald raised two points of concern: The desirability of knowing a date when the project as proposed will be implemented; and that the landscaping would be as lush as indicated on the development plans. Mayor Putzell expressed reservations about rezoning property merely to increase market value. Council should wait until firm plans are present because it isn't good policy to rezone without this type of justification, he said, and pointed out that the property could always be utilized as currently zoned until the new project is ready. He, therefore, was in favor of deferring the matter until plans for construction are firm.

Councilman Graver agreed and pointed out that with an approved change in zoning another individual could install an entirely different development than the one proposed. Residents of nearby multifamily property probably expected this site to also remain multifamily, he concluded.

MOTION: To table this application until the developer returns with assured construction plans.

Anderson				
McDonald	X	X		
Barnett				X
Bledsoe				X
Crawford				X
Graver	X		X	
Richardson			X	
Putzell			X	
(4-0)				

RESOLUTION 86-5049

ITEM #14-C

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.3F OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO PERMIT A SECOND STORY ADDITION AT 61 12TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Chief Planner Steve Ball explained that the existing structure conformed to the setback regulations but that the second story would require additional setback; the Planning Advisory Board had recommended approval.

Petitioner Robert J. Lewis indicated that he was certain that the previous owner of the home would have modified a recently completed addition if he had realized that Mr. Lewis would have to come in for a variance in order to add a second story.

MOTION: To APPROVE this application.

Anderson				
McDonald			X	
Barnett				X
Bledsoe				X
Crawford				X
Graver		X	X	
Richardson	X		X	
Putzell			X	
(4-0)				



COUNCIL MEMBERS

MOTION COUNCIL MEMBERS

ABSENTEE

--ORDINANCE 86-5050

ITEM #14-D

AN ORDINANCE REZONING CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R3-12" MULTIFAMILY RESIDENTIAL TO "PS" PUBLIC SERVICE; DIRECTING THAT THE ZONING ATLAS BE REVISED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Chief Planner Steve Ball listed various recommendations made by the Planning Advisory Board and noted that a new special exception petition for off-site parking had been initiated because it was determined that using off-site parking was more desirable than constructing a parking lot.

Mayor Putzell stated that although some criticisms of the church had been heard in previous discussions of this matter, the members of this congregation are among the most dedicated and supportive people in the community and this fact should not be obscured. Councilman Graver agreed and called attention to the many local churches which help make this community a desirable place to live.

MOTION: To adopt this ordinance on second reading.

Public Hearing Opened: 10:28 a.m.
Public Hearing Closed: 10:33 a.m.

Anderson
McDonald X X
Barnett
Bledsoe X X
Crawford
Graver X
Richardson X X
Putzell X
(4-0)

--RESOLUTION 86-5051

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT OFF-SITE PARKING FOR 18 ADDITIONAL SPACES WHICH ARE REQUIRED FOR THE EXPANSION OF THE FIRST PRESBYTERIAN CHURCH OF NAPLES LOCATED AT 583 THIRD AVENUE SOUTH, SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Josephine Cerocco, a next door neighbor of the church who had previously objected to construction of a parking lot, indicated that she was satisfied with the new proposals.

MOTION: To approve the petition, subject to the recommendations of the Planning Advisory Board.

Anderson
McDonald X X
Barnett
Bledsoe X X
Crawford
Graver X
Richardson X X
Putzell X
(4-0)

--RESOLUTION 86-

ITEM #14-E

A RESOLUTION AUTHORIZING CHANGING THE USE OF AND EXPANDING A NONCONFORMING STRUCTURE AT 1067 TENTH AVENUE SOUTH FROM A MARINE RESEARCH AND REPAIR FACILITY TO A YACHTING AND ATHLETIC CLUB, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

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COUNCIL MEMBERS

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---RESOLUTION 86- (cont.)

ITEM 14-e

---RESOLUTION 86-

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT OFF-SITE PARKING OF 120 SPACES TO BE LOCATED ON ADJACENT PROPERTY WITHIN 600 FEET OF 1067 TENTH AVENUE SOUTH IN ORDER TO PROVIDE THE REQUIRED PARKING FOR THE PROPOSED YACHTING AND ATHLETIC CLUB; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Chief Planner Steve Ball outlined some of the issues involved in these petitions which propose to convert a marine testing facility into a yachting and athletic club. He further explained how the required number of parking spaces was arrived at based on uses in various portions of the property. (Complete recommendations appear in City Manager's memo of July 28, Attachment #5.)

For the record, Mayor Putzell read a letter from A.M. Papineau stating that he is not against projects of this kind as long as they comply with city ordinances, particularly parking requirements.

In discussion with staff, Council reviewed further aspects of the project's parking facilities, possible traffic congestion which would result from this type of facility, and whether with its current architectural style it complied with the current height ordinance.

MOTION: To table these petitions until the next regular meeting for the developer to present a plan which does not involve as many exceptions to city regulations.

Chief Planner Ball indicated that the staff and the Planning Advisory Board felt some direction from the Council was needed on the project before specific plans from the developer were reviewed. Project architect Donald Flock, however, indicated that complete plans were now finalized and distributed additional materials to Council. He expressed concern about the motion to table because he said they "had done their homework" and were ready to move forward.

Mayor Putzell said he was looking to staff to prepare a recommendation on what it deems appropriate for this project and not to offer Council alternatives.

Discussion then centered around the appropriateness of a proposed easement for the petitioner to construct a motorcourt/fountain and Mr. Ball suggested that this element could be considered separately. Mr. Flock requested approval of the plan, exclusive of the easement. Mayor Putzell, however, said he favored deferring this matter because he questioned whether sufficient work had been done by the staff and by the developer. He expressed hope that these concerns could be worked out by the next regular Council meeting.

Anderson			
McDonald	X	X	
Barnett			X
Bledsoe			X
Crawford			
Graver	X	X	
Richardson		X	
Putzell		X	
(4-0)			

COUNCIL MEMBERS

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--ORDINANCE 86-

ITEM # 14-F

AN ORDINANCE REZONING PROPERTY IN THE VICINITY OF RIVER PARK/CARVER APARTMENTS, MORE PARTICULARLY DESCRIBED HEREIN, FROM "C3" HEAVY BUSINESS, TO "C-2" GENERAL COMMERCIAL; DIRECTING THAT THE ZONING ATLAS BE REVISED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE SAID PROPERTY AT THE REQUEST OF THE CITY TO IMPLEMENT THE RECOMMENDATION OF THE COMPREHENSIVE PLAN IN ORDER TO FURTHER PROTECT THE ADJACENT RESIDENTIAL AREA.

Title read by City Attorney Rynders.

Chief Planner Steve Ball indicated that this rezoning would make the property consistent with the provisions of the comprehensive plan and although last year the Council had failed to approve the rezoning, the staff continued to feel it was appropriate that the zoning and the comprehensive plan be consistent.

MOTION: To APPROVE ordinance on first reading.

Mayor Putzell stressed the importance of compatibility between zoning designations and the comprehensive plan and citizens Herb Cambridge (representing the N.A.A.C.P.), Willie Anthony and Chuck Mohlke spoke in favor of the rezone. (Mr. Mohlke read a statement into the record which appears at Attachment #6.) Area businessman John Nocera, however, spoke against rezoning because of potential reduction in property values with a less intensive commercial use.

The Clerk was then directed to mail the necessary 30 day notice to affected property owners.

Mr. Anthony requested that when this is next considered the meeting be in the evening and Mayor Putzell indicated that this would be taken under advisement.

Anderson				
McDonald			X	
Barnett				X
Bledsoe				X
Crawford				X
Graver		X	X	
Richardson	X		X	
Putzell			X	
(4-0)				

--ORDINANCE NO. 86-

ITEM #14-G

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA BY ADDING A NEW SECTION TO APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES, ENTITLED "POLLING PLACES"; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ESTABLISH CONVENIENTLY LOCATED POLLING PLACES THAT ARE IN THE COMMON INTEREST OF EXISTING AND FUTURE RESIDENTS OF COLLIER COUNTY.

Title read by City Attorney Rynders.

Chief Planner Steve Ball stated that this ordinance has been requested by the Collier County Supervisor of Elections and that a like ordinance was already on the County books. This would provide for developers to make their recreation and meeting rooms available as voting places.

MOTION: To APPROVE on first reading.

Anderson				
McDonald			X	
Barnett				X
Bledsoe				X
Crawford				
Graver		X	X	
Richardson	X		X	
Putzell			X	
(4-0)				

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COUNCIL MEMBERS

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--RESOLUTION 86-

ITEM #14-H

A RESOLUTION GRANTING A TEMPORARY USE PERMIT TO ALLOW PROVINCETOWN-BOSTON AIRLINE INCORPORATED (PBA) TO USE THREE TEMPORARY OFFICE STRUCTURES LOCATED IN THE NORTHWEST SECTION OF THE AIRPORT, ADJACENT TO THE PBA MAINTENANCE FACILITY, FOR A PERIOD OF THREE (3) YEARS FROM THE DATE HEREOF; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Chief Planner Steve Ball explained that this space is needed in addition to PBA's present quarters and that the request had been reviewed and approved by the Fire Department.

Mayor Putzell, however, expressed reservations about issuing a temporary use permit for such an extended period of time, one year being customary. This is not in the spirit of what is considered temporary, he said. Both Councilmen Graver and Richardson also expressed concern that more details should be known with Mr. Graver pointing out that a previously permitted temporary structure had been utilized longer than the one year permitted by Council.

MOTION: Table until the next regular meeting.

--End Community Development/PAB--

--FIRST READINGS--

--ORDINANCE 86-

ITEM #15

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ADVERTISE AND ACCEPT BIDS FOR THE PUBLIC WORKS WATER MAIN PROJECT, EQUIPMENT AND PARKING GARAGE STUDY; PROVIDING FOR PAYMENT THEREFOR TO BE MADE FROM THE BUDGET FOR THE FISCAL YEAR 1986/87, PURSUANT TO SECTION 8.14 OF THE CITY CHARTER; AND PROVIDING AN EFFECTIVE DATE. PURPOSE; TO AUTHORIZE THE ADVERTISEMENT AND ACCEPTANCE OF BIDS FOR THE PUBLIC WORKS WATER MAIN PROJECT, EQUIPMENT AND PARKING GARAGE STUDY PRIOR TO ADOPTION OF THE 1986-87 BUDGET.

In explanation, City Manager Jones stated that this request is made to allow for a head start on work for next year. He also asked that the Council include funding for the downtown parking garage study which is included in the 1986-87 operating budget. This will enable staff to begin to negotiate with consultants and have a proposal ready when the budget is adopted.

MOTION: To APPROVE on first reading, as amended.

Councilman Graver observed that this water main project is important to Crayton Road residents and Councilman Richardson indicated his desire that the merchants in the Fifth Avenue area contribute toward the parking garage effort. Mr. Jones indicated that this could be pursued once the funding structure was established by the study.

Anderson			
McDonald	X	X	
Barnett			X
Bledsoe			X
Crawford			X
Graver		X	
Richardson	X	X	
Putzell		X	
(4-0)			

Anderson			
McDonald	X	X	
Barnett			X
Bledsoe			X
Crawford			X
Graver	X	X	
Richardson		X	
Putzell		X	
(4-0)			

COUNCIL MEMBERS

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O E C O Y S E  
T C O N Y N E N  
I O N N E N T  
O N D S O T

ITEM #16

DISCUSSION/ACTION REGARDING PELICAN BAY IMPROVEMENT DISTRICT WATER CONNECTION. REQUESTED BY CITY MANAGER.

City Manager Jones outlined final changes which had been made in the proposed agreement but indicated that Collier County had intervened in the negotiations and was now taking the position that the Pelican Bay Improvement District does not have the right to contract with the City for bulk rate treated water. He said that the County had advised the day before that an attempt would be made to withhold permits for line installation or that legal action might be taken if this agreement was enacted.

Jim Ward, Assistant Manager of the Pelican Bay Improvement District, stated his organization's position that Pelican Bay did indeed have the right to enter into an agreement with the City and that the Pelican Bay Improvement District was a separate entity from the County water/sewer district, having been established by legislative act.

In further discussion of potential County action to block service to Pelican Bay, City Attorney Rynders gave the opinion that the County's function in issuing right-of-way permits is a ministerial one and that permits could not be refused if the application met the technical criteria. City Manager Jones also contended that this dispute was really between the County and Pelican Bay.

Assistant County Manager Neil Dorrill advised the Council that the County's concern rested with maintenance of sufficient pressure to the North Naples areas where the City provides treated water for resale by the County. He said the County wanted to assure adequate pressures for fire protection and public health. He confirmed that the actions mentioned were being contemplated by the County but stressed the desirability of a compromise.

Mayor Putzell suggested a two-week delay in action until an amicable solution to the dispute could be reached, although Mr. Ward stressed the need to move forward with the agreement. Negotiations had been underway for some nine months and it was necessary to begin service to Pelican Bay on November 1, he added.

MOTION: Attempt to solve problems and make recommendations to Council in two weeks or less.

Anderson-  
McDonald  
Barnett  
Bledsoe  
Crawford  
Graver  
Richardson  
Putzell  
(4-0)

X X  
X  
X  
X  
X  
X  
X

BBF256

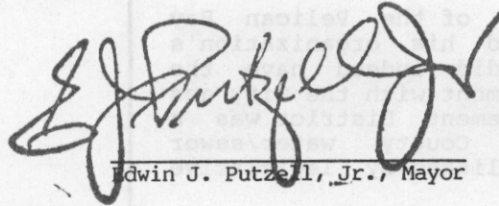
COUNCIL MEMBERS

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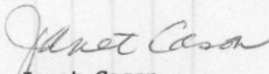
--Correspondence & Communications--

Councilman Graver said it was his understanding that the group circulating the petition to have a height restriction ordinance placed on the November ballot was considering proposing a compromise to the Council. Although City Attorney Rynders indicated that the Council could take any action it wished without an offer of compromise, Mayor Putzell indicated that he preferred to await communication from the committee. Mr. Graver stated that his reason for bringing this up was the time involved in having the Planning Advisory Board and City Council consider a further amendment to height restrictions prior to the election.

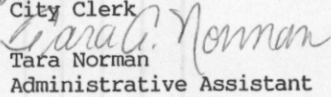
ADJOURN: 12:07 P.M.



Edwin J. Putzell, Jr., Mayor



Janet Cason  
City Clerk



Tara Norman  
Administrative Assistant

AUG 20 1986

These minutes of the Naples City Council approved \_\_\_\_\_.

SUPPLEMENTAL ATTENDANCE LIST

Sandra L. Stiger  
 Roger P. Jarvis  
 Harold A. Soule  
 James Anderson  
 Sylvester Cotton  
 James L. Gavin  
 Arthur Lee Jones  
 Robert Russell  
 Egon Hill  
 Harry Rothchild  
 Josephine Crocco  
 Donald Flock  
 Clarke Nichols  
 Willie Anthony  
 Tish Gray  
 Virginia Corkran  
 Robert J. Lewis  
 John Nocera  
 Kevin Rambosk

Midge F. Christianson  
 Royle J. Kipp  
 Rodolfo Somoza  
 Laban B. LeBuff  
 John Palmowski  
 William R. Amos  
 Mike Wilson  
 Peter Takes  
 Robert Schroer  
 David Bennett  
 Bob Forsythe  
 Tom Peek  
 Chuck Mohlke  
 Gil Weil  
 Herb Cambridge  
 Neil Dorrell  
 Robert Hines  
 Sally J. Dunckley  
 Thomas Dunckley

NEWS MEDIA

Chuck Curry, Naples Daily News  
 Bill Upham, Naples Times  
 Carl Loveday, TV-9

Chris Wallace, TV-9  
 Rachael Kearns, Naples Star  
 Hilary Hutchison, TV-9

BBF256

8/6/86



# City of Naples

## EMPLOYEE RECOGNITION PROGRAM

January 1, 1986 through June 30, 1986

-----FIVE YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
Sandra L. Stiger	City Mgr.'s Office/ Personnel Div.	6/1/81	Personnel Technician
Ridge F. Christianson	Finance	4/30/81	Accounting Clerk I
Roger P. Jarvis	Fire	3/16/81	Fire Lieutenant
Royle J. Kipp	Engineering	2/2/81	Streets & Drainage Supt.
Harold A. Soule	Utilities	1/27/81	Utility Plant Maintenance Tech.
John D. Weldon	Utilities	1/7/81	Water Plant Operator III

-----TEN YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
Rodolfo Somoza	Solid Waste	4/6/76	Equipment Operator III
James Anderson	Community Services	4/1/76	Service Worker I
Laban B. LeBuff	Engineering	3/15/76	Senior Engineering Technician



-2-

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## -----TEN YEARS (cont.)-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
Ezekiel Burger	Solid Waste	3/1/76	Equipment Operator V
Sylvester Cotton	Solid Waste	1/28/76	Trash Operations Supv.
John Palmowski	Utilities	1/28/76	Equipment Operator III

BBF256

## -----FIFTEEN YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
James L. Gavin	Engineering	5/10/71	Crew Leader III

## -----TWENTY YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
William R. Amos	Utilities	5/2/66	Asst. Supt. Water Plant

## -----THIRTY YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
Arthur Lee Jones	Utilities	5/2/56	Crew Leader III
Mike Wilson	Community Services	1/17/56	Crew Leader I

-16-

A RESOLUTION OF THE MAYOR'S AD HOC COMPENSATION COMMITTEE RECOMMENDING PERIODIC ESTABLISHMENT OF A "BLUE RIBBON" COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS TO THE COUNCIL ON THE LEVEL OF COMPENSATION AND BENEFITS FOR THE MAYOR AND COUNCIL MEMBERS; RECOMMENDING AMENDMENT OF THE CITY OF NAPLES GENERAL PENSION ORDINANCE TO MAKE COUNCIL MEMBERS' PARTICIPATION VOLUNTARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the members of the Mayor's Ad Hoc Compensation Committee recommend periodic establishment of a "Blue Ribbon" Committee to study and make recommendations to the Council on the level of compensation and benefits for the Mayor and Council Members; and

WHEREAS, the members of the Mayor's Ad Hoc Compensation Committee recommend amendment of the City of Naples General Pension Ordinance to provide that participation by any elected official shall be voluntary.

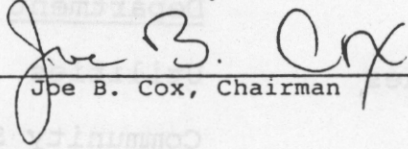
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE MAYOR'S AD HOC COMPENSATION COMMITTEE:

SECTION 1. Beginning March 1988 and every three (3) years thereafter, City Council shall appoint an independent, "Blue Ribbon" Committee, consisting of seven Naples residents, for the purpose of studying and making recommendations to the Council on the issue of the level of compensation and benefits for the Mayor and Council Members. If at any time the Council takes action to change the level of compensation, no member sitting on Council at that time may have his or her salary adjusted to the new level during the remainder of the current term of office of that member.

SECTION 2. The City of Naples General Pension Ordinance should be amended to provide that participation by any elected official shall be voluntary.

SECTION 3. This resolution shall take effect immediately upon adoption.

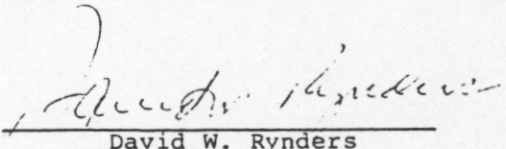
PASSED IN OPEN AND REGULAR SESSION OF THE MAYOR'S AD HOC COMPENSATION COMMITTEE THIS 20<sup>th</sup> DAY OF May, 1986.

  
Joe B. Cox, Chairman

ATTEST:

Janet Cason  
City Clerk

APPROVED AS TO FORM AND LEGALITY BY

  
David W. Rynders  
City Attorney

Mr. Mayor,

ATTACHMENT #4 - Page 1

Based upon your statement at a recent workshop meeting that you were

opposed to pensions for elected officials I have prepared a statement in which

set forth the reasons why the present pension plan for members of the City Council should be cancelled. It is most important that each member of the council be aware of the facts in order to make an intelligent decision. To that end I submit the following:

FACT- The pension board exceeded its authority when it passed a resolution on December 7 1983 intended to make members of the City Council participants in the City Employees Pension Plan.

FACT- The pension board exceeded its authority when it gave council members the right to "buy back" any past service on the council. That provision was tantamount to an outright gift of taxpayers money to a small group of members of the council and was not within the power of the pension board.

FACT- The resolution of the pension board was never submitted to the city council for its consideration. It is clear that this omission was deliberate.

FACT- The minutes of the Pension board clearly show that City Manager Frank Jones, as a member of the pension board, introduced this resolution and quoting from the minutes of the board "-- He (Frank Jones) noted that the board could determine eligibility and added that the recent change to five years of service for eligibility had raised the question of the council members participation". There is nothing in the minutes which indicated that this resolution was prompted by or was in any way required because of a Florida Statute.

Fact- The first time Florida Statute 112.048 was mentioned was at the end of the public hearing on March 6, 1985 when in a surprising dialogue between Mayor Billick and the City Attorney, Mr. Rynders was asked to read a Florida Statute allegedly pertinent to the council pension plan. Mr. Rynders read only a portion of the statute and stated that under the law the City of Naples was mandated to provide a pension for the members of the city council.

FACT- Anyone reading this statute can see that the statute provides for pensions for any elected officer who has served 20 years or more in a public office. Since this statute has been in effect since 1939 one wonders why we not previously required to provide pensions for our elected officers. A number of local attorneys confirmed that the statute did not apply to council members who served less than 20 years.

FACT- The City of Fort Myers pays its council members \$100 a month and does not provide them with a pension. Is Naples the only city which follows the Florida law as interpreted by our City Attorney or is it possible that someone misread the Florida Law? The injection of Florida Statute 112.048 into this discussion was a red herring and was indicative of an act of desperation upon being confronted with the opposition of our citizens to the crude attempt to put the council members on a gravy train paid for with taxpayers funds.

FACT- City Attorney David Rynders is the legal adviser to the pension board. He was present at the board meeting and in fact prepared two separate and different resolutions to be approved by the board. The second resolution contained the illegal "buy back" provision. Mr. Rynders only concern about the proposed resolution was whether city councilmen worked 20 hours a week. (The 20 hour work week is required for regular employees to participate in the city employees pension plan and had no application to members of the city council.

FACT - Members of the City Council are elected public officers and are in a different classification from city employees.

Based upon these facts it should be clear that the resolution passed by the pension board was improper and illegal and should be declared null and void ab initio by a new resolution by the present pension board. This would permit the City to refund all moneys paid into the plan by members of the city council and would cancel and nullify the pension arrangement granted to former councilman Randolph Thornton by returning to Mr. Thornton the difference

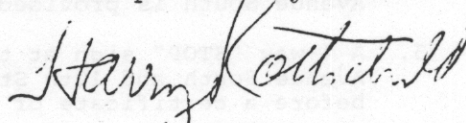
between the \$1818 he paid into the plan and the more than \$1600 already paid to Mr. Thornton.

It is clear beyond doubt that the citizens of Naples were highly distressed by the manner in which the previous council put themselves in the city employees pension plan and arranged to have a windfall for selected members of the city council paid for with taxpayers funds. One need only look at the results of the last city election and see how the voters expressed themselves with respect to the three council members running for re-election. I urge the council to take immediate steps to remove the cloud created by the previous council and thereby restore ~~x~~ integrity to the council.

Now as to the matter of salary increases for the city council I would refer you to the minutes of the council meeting of March 6, 1985 when a dozen citizens, including seven former members of the city council spoke out in the clearest terms in opposition to the pension and to the huge increases the previous council voted for themselves. The citizens criticisms and questions were met with absolute silence from the council but somehow they all found their voices when a vote for the increases in their salary was called for.

It is interesting to note that the ad hoc committee has recommended that no member sitting on council may have his or her salary adjusted during the remainder of that members current term of office. It should be axiomatic in any contract between an employer (the City electorate) and the employee (the members of the city council) that the employer, the city electorate should have the final voice with respect to any changes in compensation - salary, pension, vacation, etc.

Respectfully submitted

  
Harry Rothchild

BBD378



# City of Naples

## --- MEMO ---

TO: Honorable Mayor and Members of the City Council

FROM: Franklin C. Jones, City Manager

SUBJECT: Nonconformity Petition 86-N1 and Special Exception  
Petition 86-S7

Petitioner: Naples Bay Club Joint Venture

DATE: July 28, 1986

-----  
Background:

The petitioner is requesting approval to change the use of a nonconforming structure from a marine-oriented research testing and repair facility (OMC) to a yachting and athletic club. The development will include a restaurant, athletic facilities, a courtyard, pool and 42 boat slips. The petitioner is requesting the use of 10th Avenue South as a motorcourt-turning area with a fountain near the entrance of the facility.

In addition, a special exception is requested to provide off-site parking of 120 spaces on an adjacent lot.

PAB Recommendation:

The PAB held a public hearing on this petition at its meeting on July 17, 1986 and recommended approval with a 3 to 2 vote that included reducing the building height to conform with the new building height ordinance, and under the following conditions as outlined in the staff report:

1. The petitioner must resurface 10th Avenue South and complete other related street improvements on 10th Avenue South and 10th Street to city specification. The alley on the north side of the off-street parking area must also be improved to city specifications.
2. Limit the size of the first three catwalks of the boat slips on the south side which extends into the bay, to provide room for a public dock.
3. During redevelopment, the building overhang and planters in the right-of-way of 10th Avenue South should be removed. The palm trees should be retained or relocated.
4. Redesign the trash bins so that access from 10th Avenue South is provided for trash pick-up.
5. A 4-way "STOP" sign at the intersection of 10th Avenue South and 10th Street must be in place before a certificate or occupancy is issued.
6. The use of pennants is prohibited on the roof and roof-top activities are confined to the lounge area.

TO: Hon. Mayor and City Council  
 FROM: F.C.Jones, City Manager  
 SUBJ: Nonconformity Petition 86-N1  
 and Special Exception 86-S6

Page 2.  
 7/28/86

815

7. Any use of charter boats requires additional parking
8. The petitioner must obtain an easement from the city for the use of the motorcourt/fountain area. In exchange, the petitioner must provide a financial contribution for a public waterfront deck, landscaped park and public parking area.

There was some confusion over how and to what extent this last condition will be met. Staff suggests the following options for Council in considering this request:

- a. The motorcourt/fountain and public park improvements should be integrated into a single design proposal acceptable to City Council.
- b. The city may grant an easement for the motorcourt/fountain and allow the developer to design a public landscaped park area, waterfront deck and parking, with cost estimates which can be reviewed and approved separately from the remainder of the project.

The value of the easement to this petitioner would have to be determined and the city compensated by the provision of design services and/or a cash contribution from the petitioner.

- c. The city may grant an easement for the motorcourt/fountain in conjunction with having a consultant/architect prepare a design and cost estimates for the public improvements. This can be coordinated through staff and reviewed and approved separately from the remainder of the project. The petitioner would then provide an appropriate cash contribution.
- d. The city may deny an easement for the motorcourt/fountain and require typical street improvements with the development - street repavement, curb, gutter and sidewalks. The city may then prepare a separate design for the public improvements at sometime in the future without a financial or in-kind contribution from the petitioner.

Prepared by:  
*Steve Ball*  
 Steve Ball  
 Chief Planner

Respectfully submitted,

*Franklin C. Jones*  
 Franklin C. Jones  
 City Manager

BBD378



# City of Naples

## MEMO

TO: Planning Advisory Board  
FROM: Roger J. Barry, Community Development Director  
SUBJECT: Comprehensive Plan

DATE: June 15, 1984

-----  
General Comments

The PAB has held workshop sessions on the Comprehensive Plan on May 21 and June 7, 1984.

As we stated at those meetings, the Plan has been revised to include current data and to reflect existing conditions. The goals, objectives, and policies of the 1979 Plan have not been changed.

The following comments and recommendations relate specifically to the various matters discussed at the workshop sessions. Except for a letter from Dr. Howard and Mr. Brown, we have not received any additional comments since the June 7th workshop session.

We suggest that the Board invite any general comments from the public and then discuss and act on each of the following items individually.

1. River Park East

In response to the request from Mr. Anthony and Mr. Mohlke, we propose to add the attached section regarding River Park East to the Plan.

Exh. #6  
8/06/84  
Rec'd  
m-3



9. RIVER PARK EAST (To be added to March/April 1984 Draft of the Comprehensive Plan.)

River Park East is a residential neighborhood bounded by the Gordon River on the east, the municipal Public Works yard on the south, Goodlette-Frank Road on the west, and the city limits and undeveloped County property on the north. (Figure 11 identifies the subject area.) There are 78 single-family houses, a 96-unit apartment, a city park, and a church in the neighborhood. Undeveloped land in River Park East consists of a 7.5 acre parcel zoned "PS" and designated as a community center site at the eastern end of 5th Avenue North, and a 5-acre tract zoned "C2" at the northeast corner of Goodlette-Frank Road and 5th Avenue North.

Generally, the physical appearance of the single-family houses indicates that the residences are in sound condition, although routine maintenance is needed on some of the homes. The Gordon River Apartment complex appears to be in good condition; however, an on-going maintenance program should be maintained, and additional landscaping is needed.

Concerns of the residents center around protecting the neighborhood from deterioration and overcrowding, improved lighting, drainage, landscaping and future development of the undeveloped tracts of land.

The city recently changed certain "R3" zoning to "R1" and certain "C3" zoning to "C2" in an effort to protect the area from increased densities and potentially incompatible commercial land uses. Every effort will be made to enhance and maintain a stable, relatively-low density residential neighborhood in this area.

Site plans for any proposed development of the commercial property on the east side of Goodlette-Frank Road shall be reviewed and approved by the city, to ensure that an adequate buffer is provided along the east property line, and to ensure that limited and properly controlled access to Goodlette-Frank Road is a part of the development proposal.

City officials will encourage the establishment of a neighborhood association to articulate neighborhood needs and problems, and to serve as a "self-help" group for neighborhood improvement projects.

City officials will also monitor the availability of grant programs to assist in maintaining and improving the area.

The city will periodically inspect the Gordon River apartments to ensure that they are being properly maintained, meet minimum ordinance requirements and are kept free of litter and debris.

The two-acre vacant parcel of land adjacent to Anthony Park, which was donated to the city, will be considered for expansion of the park when the need for such an expansion has been clearly demonstrated.

3. Third Street South Shopping District (to be added to March/April 1984 draft of the Comprehensive Plan.)

The city will cooperate and assist the merchants and property owners in establishing an improvement assessment district, and will identify public alleys and streets in need of improvement and beautification and fund such improvements through allocations in the Capital Improvement Program.

TO: PAB  
FROM: RJBARRY  
SUBJ: Comprehensive Plan

Page 2.  
6/15/84

2. McDonald Quarters

We will delete the reference to the "McDonald Quarters Redevelopment Area" and identify the area as the "Naples Industrial Area."

3. School Sites

We recommend that the Board not get involved in even the suggestion that certain schools in the city may be closed and the property sold for other uses.

The three public school sites in the city are clearly identified as school sites.

In response to the concern raised relative to speculative value, we suggest that the zone designations on the subject properties remain unchanged, and that these designations provide a clear indication of possible re-use. The Naples High School site, the Lake Park Elementary School site are zoned "R1-7.5" and the Gulf View Middle School site is zoned "R3-12."

4. Third Street South Commercial Area

Mr. Long suggested that some of the statements in the Plan regarding 5th Avenue South and the Crayton Cove area (under the heading of "Olde Naples") are applicable to the Third Street South area and should be included in that section.

We suggest adding the attached statement regarding alleys, beautification, and assessment districts to the Plan's section on "The Third Street South Shopping District."

BBD378

5. Tamiami Trail Area

This section of the Plan states in part that "the attractive relaxing atmosphere and high property values of the Fifth Avenue South and the Third Street South shopping districts are examples of the benefits of an attractive physical appearance."

Some people have mistakenly taken this statement to mean that we intend to encourage the same types of uses on the Trail as exist on Fifth Avenue South and Third Street South. This is not the case. The Trail is quite distinct from these other commercial areas, and the properties on the Trail have a different land use designation in the Comprehensive Plan and a different zoning classification than the other referenced areas.

In response to the above-referenced confusion and the suggestion that the Plan recognize recent new development in this area, we propose to delete the reference to Fifth Avenue South and Third Street South and to add the following statements to this section:

"Recent new construction in this area has considerably improved the overall appearance of the Trail. Every opportunity should be taken to encourage this trend to continue."

"As mentioned in the 'Hospital Transition Area' section of the Plan, it is the city's intent to encourage new medical or hospital-related uses to locate to the east of the hospital on the Tamiami Trail."

6. Certain "C3" Zoned Property In the Vicinity of the Carver Project

The subject "HEAVY BUSINESS" area borders the Carver/River Park residential area on the north, west and south (see attached April 27, 1984 memo). There is also a small triangular-shaped "C3" zoned parcel southeast of Fifth Avenue North and 11th Street that should also be considered for rezoning.

The city has made a strong commitment to maintain and improve this residential area. Every effort should be made to cooperate with the owners of the River Park apartments in the rehabilitation of the River Park apartments, to properly maintain the Carver project, to make the needed "public improvements" in the area (River Park pool rehabilitation, Community Center parking lot, etc.), and to ensure that the residential area is "protected" from the surrounding commercial and industrial uses.

## 6. (continued)

The subject "C3" - Heavy Business zone district permits a broad range of storage and repair businesses that are not compatible with a residential use. There are relatively few such uses in the subject area at this time, but even one of them can cause an unmanageable nuisance.

We recommend that the Comprehensive Plan be amended to state that the subject "C3" zoned area should be re-zoned to a "C2" - General Commercial.

Under such a change, the existing "heavy business" uses are permitted to continue in their present status for an unlimited period of time, but are limited relative to expansion and rebuilding in the event of a disaster, and may not be "reinstated" if they cease to exist for more than 12 months. New "heavy business" uses (except "replacements" for existing ones) would not be permitted, and the existing ones would gradually be phased out over a period of time through attrition.

7. Blue Caribbean Golf Driving Range Property (see attached April 27, 1984 memo.)

We recommend that the existing Comprehensive Plan land use designations of "Highway Commercial" and "Medium Density Residential" remain unchanged.

8. Certain "C2-A" Zoned Property Northeast of 9th Street and 10th Avenue South (see attached April 27, 1984 memo, various letters from adjacent property owners stating no objection to the "C2-A" zone classification, and a letter from Mr. Brown dated 6/11/84.)

The subject "C2-A" property is bounded by multifamily zoned ("R3T-12") and developed property to the north, west and southwest. "C2-A" zoned property occupied by the Charter Club is located to the south, and the balance of the OMC "C2-A" zoned property is located to the east.

The "C2-A" district "provides for a limited range of commercial uses and certain specific water-oriented uses intended to serve and enhance the Naples Bay waterfront area."

The subject property includes a recently-renovated professional office use and a vacant parcel used as a small motor test site by OMC. The property is obviously not on the water.

## 8. (continued)

There are several aspects of the "C2-A" zoning designation on the subject site which are undesirable. Certain uses such as boat and marine motor sales and service, boat yards, and seafood distribution and sales (retail and wholesale) are not appropriate in close proximity to a residential area. The maximum permitted height of 50 feet is also in sharp contrast to the maximum permitted height of 30 feet in the "R3" zone and the three-story height of the Charter Club.

It is usually desirable to have potentially noncompatible uses separated by a public street right-of-way with the required front yard setbacks acting as additional buffer areas, rather than the relatively narrow (20 foot) alley that separates the subject property from the residential property to the north.

Given the "R3" zoning in the area and the nature of the Charter Club, the subject "C2-A" property "intrudes" into this "residential" area.

We recommend that the Plan be amended to state that, for the above reasons, the subject property should be rezoned from "C2-A" to "C1."

Such a change recognizes the fact that the property has been zoned for commercial use for some time; would permit the existing commercial use on the Papineau-owned portion of the property; would limit the subsequent use of the property to commercial uses generally more compatible with residential development; would limit the height of buildings on the property to 35 feet; and would provide the opportunity for a related commercial use of the OMC-owned property on both sides of 10th Street South.