



# City of Naples

City Council Minutes  
Regular Meeting 02/17/88

City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS:</u>			
MAYOR PUTZELL: None.			
ASSISTANT CITY MANAGER WILTSIE: None.			1
<u>APPROVAL OF MINUTES:</u> January 13, 1988, Neighborhood Town Meeting			
February 3, 1988, Regular Meeting			1
<u>PURCHASING</u>			
-BID AWARD for two uninterruptible power supply (UPS) systems, Police Dept.		88-5489	1-2
-BID AWARD for refuse containers.		88-5490	2
- <u>TABLE</u> bid award for front loading refuse truck.		88-_____	2
<u>RESOLUTIONS</u>			
- <u>DENY</u> variance for 18" extension of a roof, 723 21st Avenue S.		88-_____	3-4
- <u>APPROVE</u> conditional use permit for dancing and staged enter- tainment at a private club, Promises, 310 Goodlette Road, S.		88-5491	4-5
- <u>DENY</u> the petition for parking requirements relating to a mental health center and <u>CONFIRM</u> the administrative decision.		88-5498	5
- <u>APPROVE</u> appointment of C. Lodge McKee and Laird A. Lile to the Carver Finance Committee.		88-5492	7-8
- <u>APPROVE</u> appointment of James R. Hynden to the Code Enforcement Board.		88-5493	
- <u>APPROVE</u> appointment of Eugene O'Neill to the Parks and Recreation Advisory Board.		88-5494	
- <u>APPROVE</u> appointment of Harry Hoffmeister to the Perc Blue Ribbon panel.		88-5495	8
- <u>APPROVE</u> appropriations for certain projects for FY 1986/87.		88-5496	8
- <u>APPROVE</u> appointment of Paul W. Muenzer to the Southwest Florida Regional Planning Council.		88-5497	9
<u>DISCUSSION/ACTION:</u>			
-Discussion of new name for the City of Naples Quality Improvement Process.			9
<u>ORDINANCES - First Reading</u>			
- <u>APPROVE</u> amendment to Comprehensive Plan to allow a historic district overlay, bed and breakfast request.	88-_____		6-7



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COUNCIL MEMBERS	MOTION	VOTE		ABSENCE
		YES	NO	
	Title not read.			
	***** ---RESOLUTION NO. 88-5490 A RESOLUTION AWARDDING CITY BID 88-39 FOR 75 FRONT-LOADING REFUSE CONTAINERS OF VARIOUS SIZES; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.  Hesco Sales, Inc. Hialeah, Florida \$27,645.80			
	Title not read.			
	***** ---RESOLUTION NO. 88- A RESOLUTION AWARDDING CITY BID 88-34 FOR ONE (1) FRONT-LOADING REFUSE TRUCK; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.  Cab/chassis Palm Peterbilt GMC Trucks, Inc. Fort Lauderdale, Florida \$57,707.00  Compaction body Southland Equipment Corp. Bartow, Florida \$34,327.00			
	Title not read.			
	Mr. John Schwind, South Florida Mack Trucks of Ft. Myers, was opposed to the bid award because he believed Palm Peterbilt GMC Trucks, Inc., did not met all the specifications as required by the City. He then cited examples of the trucks resale values and noted that Mack trucks bring a higher return of the original investment when sold. Mr. David Stegeman, Palm Peterbilt GMC Trucks, Inc. of Ft. Lauderdale, disagreed and said that his company's bid met all the specifications. He further asked Council to uphold the staff's recommendation for the award.			
	Mayor Putzell asked staff to meet with these two bidders to discuss their proposals and to present its findings to Council.			
	MOTION: To APPROVE the Consent Agenda with the deletion of Item 5-c.			
	***			
	*****			
	***			
	-----END CONSENT AGENDA-----			
	COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES PLANNING ADVISORY BOARD			
Anderson-McDonald		X		
Barnett			X	
Crawford			X	
Graver			X	
Muenzer			X	
Richardson		X		
Putzell			X	
(7-0)				



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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
<p>---RESOLUTION NO. 88-<span style="float:right">ITEM 6</span></p> <p>A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.41 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO ALLOW AN EAVE OF A ROOF TO EXTEND 18 INCHES FURTHER INTO A SIDEYARD SETBACK AREA THAN WHAT IS PERMITTED AT 723 21ST AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by Assistant City Manager Wiltsie.</p> <p>Chief Planner Ball explained that this request was to approve an existing encroachment of a roof overhang. Because the error was due to contractor negligence, both the staff and Planning Advisory Board have recommended approval with the condition that some degree of compensation be given the City. Mrs. Anderson-McDonald noted that there have been several variances approved by Council which were due to contractor error and asked staff to compile a procedure by which to forestall such future requests.</p> <p>After briefly describing the circumstances of events leading up to this request, Petitioner Paul Toppino said that he believed this request should be approved as the encroachment affects only the single-story portion of the house. Mr. Graver, however, pointed out that the structure is comprised of two-stories which must comply with the zoning requirements for such a building.</p> <p>Mayor Putzell asked if the City had any recourse against the contractor. City Attorney Rynders alluded to the Contractor's Examining Board and said that the Board could review the contractor's previous conduct and determine if his license should be revoked. In response to Mr. Barnett, City Attorney Rynders further noted that there was no provision in the ordinance to provide for compensation of a variance. Mr. Muenzer said that he did not believe a monetary settlement was appropriate.</p> <p>Mrs. Anderson-McDonald reiterated that these requests were becoming more prevalent. City Attorney Rynders cautioned the Council that an "honest" mistake was not sufficient grounds by which to grant a variance. The City's standard policy is that if the petitioner does not comply with the setback requirements, he is to correct the non-conforming portion of the structure until it complies. Mr. Graver concurred and said that there was an alternate design for the roof although it was not as attractive.</p> <p><u>Mr. Barnett moved to table this item until the petitioner's architect, Mr. Frank Nu'ebek, was available to answer Council's questions. Mr. Richardson seconded the motion. Mr. Toppino advised that his architect would be present later in the meeting.</u></p> <p style="text-align:center">*****</p>					
Anderson-McDonald					
Barnett	X				X
Crawford					X
Graver					X
Muenzer					X
Richardson				X	X
Putzell (7-0)					X







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COUNCIL MEMBERS	MOTIONS	SECTIONS	VOTE		ABSEN
			Y	N	

---ORDINANCE NO. 88---

ITEM 9

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF NAPLES RELATING TO AUTHORIZING AN "HISTORIC DISTRICT" OVERLAY IN THE OLDE NAPLES AREA BY AMENDMENT OF THE ZONING ORDINANCE; PERMITTING BED AND BREAKFAST ACTIVITIES WITHIN SAID HISTORIC DISTRICT BY CONDITIONAL USE PERMIT; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ALLOW BED AND BREAKFAST ACTIVITIES AS A CONDITIONAL USE WITHIN AN HISTORIC DISTRICT TO BE PROVIDED FOR BY THE CITY COUNCIL IN THE CITY OF NAPLES ZONING ORDINANCE.

Title read by City Attorney Rynders.

Chief Planner Ball advised that this was a request to amend the City's Comprehensive Plan. He pointed out that the petitioner, Ms. Elise Sechrist, could not obtain approval for a bed and breakfast at this meeting; she could, however, petition for a conditional use permit after the Plan has been amended. Both the staff and Planning Advisory Board (PAB) have recommended that a historic use ordinance be established in the Plan for the newly Federal designated historic district. Mayor Putzell asked the record to reflect the PAB's vote for approval of this use, 3-2 to approve.

Petitioner Elise Sechrist reviewed some of the objections to this proposed use and explained that such a use would have a minimal effect upon the neighborhood, especially relating to parking which would be on her private property in the front and back of her house. She presented Council with a blueprint of the site and alluded to the extensive landscaping which would shield the parking areas from her neighbors. A bed and breakfast facility, Ms. Sechrist explained, is a private home which opens itself to travelers and offers old-fashioned, Christian hospitality to low-key visitors. Ms. Sechrist then pointed out that if she were to rent the main house, she would have no control as to the use and condition of the site.

Mr. Lodge McKee, President of the Collier County Historical Society, asked that Council approve this ordinance at first reading and that it further consider a proposed historical use ordinance for the district. He said that he believed Council should consider each conditional use request for such a facility on its own merits.

Mr. Robert Brennan, Director of the Olde Naples Association, advised that his group was opposed to such a use. Mr. Graver asked if the Association had taken into consideration that this site is zoned multi-family and could be built upon as such. Mr. Brennan advised that they had, but still were recommending denial.

Dr. A. R. Cook spoke in favor of the request; however, she admitted that her first reaction was to oppose it. After meeting with the family and seeing the renovations which they have made, she said she then believed this to be a good use for the

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			YES	NO	
	site. Mr. Robert Jones, visiting from New England, said that he supported the bed and breakfast use.				
	Mr. Neal Hawley, owner of a condominium unit directly across from the site, said that he believed the area was presently too noisy and such a use would only encourage the noise. Mr. Harry Rothchild expressed his opposition to the proposal and said that such a use could have a detrimental affect upon the neighborhood. He urged the City to preserve the character of Old Naples and to further respect the Association's recommendation of denial. Mr. Robert C. Lewis was also opposed to the request.				
	Mrs. Jean Snellings did not indicate whether she was for or against this ordinance; however, she did say that her main interest was to preserve the character of the area.				
	Attorney John Stanley, representing the neighbor Ruth Christensen, advised that his client was not in favor of the ordinance and further objected to such use that close to her home.				
	Mrs. Alice Bowling, the original owner of the house, pointed out that she built the structure originally as a rooming house and further believed that such use should be grandfathered in. Ms. Sue Lewis, owner of a bed and breakfast facility in Michigan, supported approval of the ordinance. Citizen William VanArsdale also spoke in favor of the request.				
	<u>Mr. Crawford moved to deny this proposed amendment to the Comprehensive Plan as he did not believe economic incentive was a sufficient reason to maintain such a historic structure. Mr. Graver seconded the motion.</u>	X	X	X	X
Anderson-McDonald					X
Barnett					X
Crawford					
Graver					
Muenzer					
Richardson					
Putzell					X
(3-4)					
FAILED					
	Referring to the current multi-family zoning of the structure, Mr. Muenzer asked if it could operate as a rooming house. City Attorney Rynders assured Council that it could not under the current zoning regulations. He further suggested that staff look into the possibility of tenant control relating to residential property.				
	<u>Mr. Barnett and Mrs. Anderson-McDonald supported this use as they believed it to be a clean, viable application of the area. Mr. Barnett then moved to approve the ordinance as presented at first reading. Mrs. Anderson-McDonald seconded.</u>	X	X	X	X
Anderson-McDonald					X
Barnett					X
Crawford					
Graver					
Muenzer					
Richardson					
Putzell					X
(4-3)					
	<u>MOTION: To APPROVE the ordinance as presented at first reading.</u>				
	***				
	-----END COMMUNITY DEVELOPMENT/P.A.B.-----				
	ITEM 10				
	---RESOLUTION NO. 88-5492				
	Item 10-a				
	A RESOLUTION APPOINTING TWO MEMBERS TO CARVER FINANCE, INC. TO FILL THE EXPIRED TERMS OF C. LODGE MCKEE AND J. FREDERICK BECHTEL; AND PROVIDING AN EFFECTIVE DATE.				



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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSEN
			YES	NO	
Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	Title read by City Attorney Rynders.  MOTION: To <u>APPOINT</u> Laird Lile and C. Lodge McKee to Carver Finance, Inc.  *****				
Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	---RESOLUTION NO. <u>88-5493</u> <span style="float:right">Item 10-b</span>  A RESOLUTION APPOINTING ONE MEMBER TO THE CODE ENFORCEMENT BOARD TO FILL THE UNEXPIRED THREE-YEAR TERM OF CHARLES ANDREWS; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  MOTION: To <u>APPOINT</u> James R. Hynden to the Code Enforcement Board.  *****				
Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	---RESOLUTION NO. <u>88-5494</u> <span style="float:right">Item 10-c</span>  A RESOLUTION APPOINTING ONE MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD TO FILL THE VACANCY CREATED BY THE EXPIRATION OF THE TERM OF ROBERT B. SMITH, III; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  MOTION: To <u>APPOINT</u> Eugene O'Neill to the Parks and Recreation Advisory Board.  *****				
Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	---RESOLUTION NO. <u>88-5495</u> <span style="float:right">Item 10-d</span>  A RESOLUTION APPOINTING ONE MEMBER TO THE PERC BLUE RIBBON PANEL TO FILL THE VACANCY CREATED BY THE RESIGNATION OF J. FREDERICK BECHTEL; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  MOTION: To <u>APPOINT</u> Harry Hoffmeister to the Perc Blue Ribbon Panel.  ***				
Anderson-McDonald Barnett Crawford Graver Muenzer Richardson Putzell (6-0)	---RESOLUTION NO. <u>88-5496</u> <span style="float:right">ITEM 11</span>  A RESOLUTION CONTINUING THE APPROPRIATIONS FOR CERTAIN PROJECTS ENUMERATED HEREIN FROM THE 1986-1987 FISCAL YEAR UNTIL THEIR COMPLETION IN THE 1987-88 YEAR; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  Finance Director Hanley explained that this was an annual housekeeping function to identify those previously approved capital projects which were not completed by the end of the fiscal year.  MOTION: To <u>APPROVE</u> the resolution as presented.  ***				

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			YES	NO	
Anderson-McDonald		X	X		
Barnett	X		X		
Crawford			X		
Graver			X		
Muenzer			X		
Richardson			X		
Putzell (7-0)			X		

---RESOLUTION NO. 88-5497 ITEM 12

A RESOLUTION APPOINTING ONE MEMBER TO THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL TO FILL THE VACANCY CREATED BY WILLIAM F. BLEDSOE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mayor Putzell recommended that Councilman Paul W. Muenzer be appointed to the Southwest Florida Regional Planning Council.

MOTION: To APPOINT Paul W. Muenzer to the Southwest Florida Regional Planning Council.

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---RESOLUTION NO. 88- ITEM 13

A RESOLUTION ADOPTING A NAME FOR THE CITY OF NAPLES QUALITY IMPROVEMENT PROCESS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie introduced the members of the Quality Improvement Development Team present: Susan Villani and Mike Blackledge. The Team reviewed the achievements of the program during the past year.

Ms. Connie Aronson, Communications Operator at the Police Department, was commended for submitting the winning name for the program, S.T.A.R. (Successful Teamwork Attains Results).

No official action was taken by the Council on this item.

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CORRESPONDENCE AND COMMUNICATIONS: None.

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ADJOURN: 11:40 a.m.

*[Signature]*  
EDWIN J. PUTZELL, JR., Mayor

*[Signature]*  
JANET CASON  
CITY CLERK

*[Signature]*  
JOBIE M. O'DRISCOLL  
DEPUTY CLERK

These minutes of the Naples City Council were approved on March 2, 1988.

SUPPLEMENTAL ATTENDANCE LIST

Gilbert Weil  
W. W. Haardt  
Jerry Savage  
Robert Brennan  
Jean Johnson  
Laird A. Lile  
Charles Andrews  
Tor Kolflat  
Dr. A. R. Cook  
Robert C. Lewis  
Philip M. Francoeur

C. Lodge McKee  
Harry Rothchild  
David Stegeman  
Emer Brennan  
Ann Wright  
Herb Anderson  
Robert Galloway  
Jack Sturgis  
Robert Jones  
John F. Stanley

Neal Hawley  
John Schwind  
Rev. Walter J. Cross  
Elise Sechrist  
Nancy C. Jones  
Roland Bartter  
C. C. Holland  
Beverly Brenner-Morris  
Jean Snellings  
Alice Bowling

Other interested citizens and visitors.

NEWS MEDIA

Teresa Cerchio, Palmer TV-10  
Marty Bonvechio, Naples Daily News

Bob Goldberger, WBBH-TV  
Lori Rosza, Miami Herald