

City Council Minutes

Regular Meeting 02/17/88

City Council Chambe 735 Eighth Street Sout Naples, Florida 3394

-SUBJECT-	Ord. No.	Res. No.	Pag
ANNOUNCEMENTS:			
MAYOR PUTZELL: None. ASSISTANT CITY MANAGER WILTSIE: None.			
APPROVAL OF MINUTES: January 13, 1988, Neighborhood Town Meeting February 3, 1988, Regular Meeting			
PURCHASING			
 BID AWARD for two uninterruptible power supply (UPS) systems, Police Dept. BID AWARD for refuse containers. <u>TABLE</u> bid award for front loading refuse truck. 		88–5489 88–5490 88–	1
RESOLUTIONS			
 -DENY variance for 18" extension of a roof, 723 21st Avenue S. -APPROVE conditional use permit for dancing and staged entertainment at a private club, Promises, 310 Goodlette Road, S. -DENY the petition for parking requirements relating to a mental health center and CONFIRM the administrative decision. -APPROVE appointment of C. Lodge McKee and Laird A. Lile to the Carver Finance Committee. -APPROVE appointment of James R. Hynden to the Code Enforcement Board. -APPROVE appointment of Eugene O'Neill to the Parks and Recreation Advisory Board. -APPROVE appointment of Harry Hoffmeister to the Perc Blue Ribbon panel. -APPROVE appointment of Paul W. Muenzer to the Southwest Florida Regional Planning Council. DISCUSSION/ACTION: -Discussion of new name for the City of Naples Quality Improvement Process. ORDINANCES - First Reading -APPROVE amendment to Comprehensive Plan to allow a historic district overlay, bed and breakfast request. 		88 88-5491 88-5498 88-5492 88-5493 88-5494 88-5495 88-5496 88-5497	3- 4- 5- 5- 6-
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City Council Chambers 735 Eighth Street South Naples, Florida 33940



205 CITY COUNCIL MINUTES Regular Meeting

Time 9:00 a.m.

Date 02/17/88

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Wil	win J. Putzell, Jr Mayor n Anderson-McDonal lliam E. Barnett den R. Crawford, J	-	COUNCIL	M O T H O	SECON	YE	
	nn T. Graver			N	D	S	-
	ul W. Muenzer						
Ly	le S. Richardson, Councilmen						
Also Fresent:							
Mark W. Wiltsie,	Christopher L. H						
Assistant City Manager,		ices Dir.					
Acting Comm. Dev. Dir.	Steven R. Ball, Chief Planner						
David W. Rynders, * City Attorney	Stewart K, Unang	et.					
Frank W. Hanley,	Purchasing Age						
Finance Director	James L. Chaffee						
Gerald L. Gronvold,	Utilities Dire	ctor					
City Engineer .	Susan Villani,	-					
Mike Blacklidge,	Communications					1.	
Facilities Maint. Sup. Jodie M. O'Driscoll,	Jon C. Staiger, Natural Resour						
Deputy Clerk	George Henderson						
papaty order .	Sergeant-At-Ar						
See Supplemental Attenda	nce List - Attachm	ent #1.	2.1	1			
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INVOCATION: Reverend J.	Walter Cross	ITEM 1					
North Naple	s United Methodist						
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ANNOUNCEMENTS:		ITEM 3				1	
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MAYOR PUTZELL: Non		2 a 11.					
ASSISTANT CITY MANA	GER WILTSIE: None	•					
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CONSE	NT AGENDA	-					
APPROVAL OF MINUTES	•	ITEM 4					
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January 13, 1988, N February 3, 19	88, Regular Meetir	leeting				1	
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***	0.00						
PURCHASING		ITEM 5					
RESOLUTION NO. 88-548	9	<u>Item 5-a</u>					
A RESOLUTION AWARDI TWO UNINTERRUPTIBL SYSTEMS AT THE POL THE FINANCE DEPART CITY MANAGER TO THEREFOR; AND PROVI	E POWER SUPPLY ICE DEPARTMENT AN MENT; AUTHORIZING ISSUE PURCHASE ((UPS) ND IN 5 THE DRDERS					
Communications Leas Jupiter, Florida	ing, Ltd.						

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CITY OF NAPLES, FLORIDA		MS	s VC
City Council Minutes Date 02/17/88	COUNCIL MEMBERS	0 H T 0 I 0 N 1	C Y
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Title not read.			

<u>RESOLUTION NO. 88-5490</u> <u>Item 5-b</u>			
A RESOLUTION AWARDING 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- Item 5-c			
A RESOLUTION AWARDING 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 Futzell asked staff to meet with these two	Anderson- McDonald Barnett	x	x
bidders to discuss their proposals and to present its findings to Council.	Crawford Graver Muenzer		X X X
M <u>OTION</u> : To <u>APPROVE</u> the Consent Agenda with the deletion of Item 5-c.	Richardson Putzell (7-0)		X X X
*** *** ***		11	1
END CONSENT AGENDA			
COMMUNITY DEVELOPMENT DEPARTMENT/ NAFLES PLANNING ADVISORY BOARD			
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CITY OF NAPLES, FLORIDA		м	s	T	-
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	COUNCIL		N	E	
	MEMBERS	N	D	s	0
<u>RESOLUTION NO. 88-</u> <u>ITEM 6</u>					
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.					
Title read by Assistant City Manager Wiltsie.					
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.					
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,	1.1.1				
however, pointed out that the structure is comprised of two-stories which must comply with the zoning					
requirements for such a building.					
Mayor Putzell asked if the City had any recourse against the contractor. City Attorney Rynders					
alluded to the Contractor's Examining Board and said	1				
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					I
compensation of a variance. Mr. Muenzer said that he did not believe a monetary settlement was					l
appropriate.					
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.	Anderson- McDonald			x	
Mr. Barnett moved to table this item until the	Barnett	x		X	1
petitioner's architect, Mr. Frank Nuebek, was available to answer Council's questions. Mr.	Crawford Graver			X	
<u>Richardson seconded the motion</u> . Mr. Toppino advised that his architect would be present later in the	Muenzer Richardson		x	X	
meeting.	Putzell (7-0)		ſ	x	

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After proceeding with the agenda, Council returned to this item at 1:09 a.m.	COUNCIL MEMBERS			E C O N	Y E S	
to this item at 11:09 a.m. ********* Architect Frank Neubek, representing the petitioner, explained that this encroachment was unforeseen and further the soffit was extended to ensure the same elevation around the house. Mr. Neubek said that he believed the petitioner has fulfilled the spirit of the ordinance because the overhang portion of the house relates to a single-story structure. Mr. Graver, however, disagreed and noted that the structure was comprised of two-stories and, therefore, must comply to the zoning requirements for the same. Referring to the requirements for a two-story structure, Mr. Ball suggested that staff study the ordinance to determine its feasibility. Mr. Stan Sutter, the general contractor, asked that this variance be approved because if the additional soffit were removed, it would greatly detract from the house. The cost to remove that portion of the						T
approving this request and later turn down a similar one. The best method by which. to inform the area contractors, he said, is by official action; if a contractor suffers a hardship, it would then be widely known throughout the building community. MOTION: To DENY the resolution as presented.	nderson- McDonald arnett cawford caver chardson atzell (7-0)	х	x	x	ххххххх	

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located on 10th Street, South, and is approved only for a 12-month trial basis. MOTION: To <u>APPROVE</u> the resolution as presented,	Anderson- McDonald Barnett Crawford Graver		x	X X X	
*** . *** ***	Muenzer Richardson	X		X X	
REBOLUTION NO. 88-5498 ITEM 8	Putzell			X X	
A RESOLUTION AFFIRMING THE DECISION OF THE ZONING ADMINISTRATOR AND THE PLANNING ADVISORY BOARD IN CONNECTION WITH THE PARKING REQUIREMENTS FOR MENTAL HEALTH PROFESSIONALS UNDER SECTION 6.23(I) OF APPENDIX "A" - ZONING OF THE CODE OF GRDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.	(7–0)	. Second			
Title read by City Attorney Rynders.					
Chief Planner Ball noted that it has been City policy to consider Mental Health Counseling facilities as a medical use which would require more stringent parking requirements than a commercial use. Both the staff and Planning Advisory Board have recommended that the request be denied; however, staff believes this policy should be studied and a possible amendment to the ordinance be proposed. Mr. Ball further noted that a similar request from the French Quarter had been denied. Petitioner Beverly Brenner-Morris spoke at great length outlining the differences between the mental					
health and medical practitioner professions. Because the mental health profession meets with only one client at a time for 45-50 minute intervals, she said, the required parking is substantially less than that of a medical facility which would see about 5 or 6 patients in that time frame.					
Referring to Ms. Brenner-Morris' present location and situation, Mrs. Anderson-McDonald asked if it would help if staff was directed to come back with its findings within 90 days. Ms. Brenner-Morris explained that she has rented enough space to accommodate an associate; however, due to the required parking, she cannot get a license for him and must, therefore, move her practice elsewhere. Mayor Putzell asked if the Council could provide temporary relief to the petitioner. City Attorney Rynders, however, pointed out that this is an administrative appeal and Council'cannot consider a different vehicle at this time for the request.	Anderson- McDonald				
MOTION: To <u>DENY</u> the petition and confirm the administrative decision with the direction of staff to review the current ordinance and come back to Council with its recommendations regarding a proposed amendment to the Code for such use.	Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	x	x	X X X X X X X X X X	
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ORDINANCE NO. 88- ITEM 9						-
AN ORDINANCE AMENDING THE COMPREHENSIVE FLAN OF THE CITY OF NAPLES RELATING TO. AUTHORIZING AN "HISTORIC DISTRICT" OVERLAY IN THE OLDE NAFLES 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 FROVIDED 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 FAB's vote for approval of this usé, 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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site. Mr. Robert Jones, visiting from New England, said that he supported the bed and breakfast use.					
Mr. Neal Hawley, cwner 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 denv this proposed amendment</u> to the Comprehensive Plan as he did not believe economic incentive was a sufficient reason to	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson	x	X	xxx	
maintain such a historic structure. Mr. Graver seconded the motion. Referring to the current multi-family zoning of the structure, Mr. Muenzer asked if it could operate as	Putzell (3-4) FAILED				
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.					
Mr. Barnett and Mrs. Anderson-McDonald supported this use as they believed it to be a clean, viable application of the area. <u>Mr. Barnett then moved to</u> <u>approve the ordinance as presented at first reading</u> . <u>Mrs. Anderson-McDonald seconded</u> .	Anderson- McDonald Barnett Crawford Graver Muenzer	x		xx	
MOTION: To <u>APPROVE</u> the ordinance as presented at first reading.	Richardson Putzell (4-3)			x x	1
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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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	CITY OF NAPLES, FLORIDA			H	VOT	E
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M	itle read by City Attorney Rynders. <u>DTION:</u> To <u>APPOINT</u> Laird Lile and C. Lodge McKee to Carver Finance, Inc. ********* RESOLUTION NO. 88- 5493 <u>Item 10-b</u>	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	x	x	X X X X X X X X X	
т	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. itle read by City Attorney Rynders. OTION: To <u>APPOINT</u> James R. Hynden to the Code Enforcement Board.	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	x	x	X X X X X X X X X	
T	*********RESOLUTION NO. 88-5494 Item 10-c 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. itle read by City Attorney Rynders. OTION: To AFFOINT Eugene O'Neill to the Parks and Recreation Advisory Board. ********	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	x	x	x x x x x x x x x x x x x x x x x x x	
г Ч •	RESOLUTION NO. 88-5495. 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. itle read by City Attorney Rynders. MOTION: To <u>APPOINT</u> Harry Hoffmeister to the Perc Blue Ribbon Panel. *** *** *** RESOLUTION NO. 88-5496 ITEM 11	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	x	X	X X X X X X X X X X X	
F F C C	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. 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.	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (6-0)	x	x	x x x x x x x x x x x x	

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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.	Antonio de Sala Antonio Alternational Alternational Antonio de Sala				
Title read by City Attorney Rynders.	Anderson- McDonald		x	x	
Mayor Putzell recommended that Councilman Paul W. Muenzer be appointed to the Southwest Florida Regional Planning Council.	Barnett Crawford Graver Muenzer	x		X X X X	
MOTION: To <u>APPOINT</u> Faul W. Muenzer to the Southwest Florida Regional Planning Council.	Richardson Putzell (7-0)			X X	
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REBOLUTION NO. 88- ITEM 13	i de stanis				
A RESOLUTION ADOPTING A NAME FOR THE CITY of Naples quality improvement process; and providing an effective date.					
Title read by City Attorney Rynders.					
members of the Quality Improvement Development Team present: Susan Villani and Mike Blacklidge. 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.					
*** *** ***					
CORRESPONDENCE AND COMMUNICATIONS: None.					
ADJOURN: 11:40 a.m. A Anthe A.					
JANET CASON CITY CLERK			-	-	
JODIE M. D'DRISCOLL DEPUTY CLERK					
These minutes of the Naples City Council were approved on March 2, 1988					
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ATTACHMENT #1

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 Daily News Bob Goldberger, WBBH-TV Lori Rosza, Miami Herald