City Council Minutes

Regular Meeting 05/18/88

City Council Chamber 735 Eighth Street Sout Naples, Florida 3394



MAYOR PUTZELL: Introduced Naples High School Teacher Steve Casolino and the students who would participate in Student Government Day. CITY MANAGER JONES: None. APPROVAL OF MINUTES: May 4, 1988, Regular Meeting May 4, 1988, Workshop Meeting PURCHASING: —BID AWARD for four 24-foot high steel traffic signal poles. RESOLUTIONS: —APPROVE authorization for temporary office trailer at Naples Airport for Humane Society until May 28, 1989. —APPROVE alteration to an existing non-conformity, 2201 North Tamiami Trail. —DENY an Administrative Appeal relating to required parking for physical therapist. —APPROVE a conditional use permit for off-site parking, 625 North Tamiami Trail. —APPROVE a conditional use permit for a motor home to park overnight on June 10, 1988. —APPROVE a temporary use permit for a motor home to park overnight on June 10, 1988. —APPROVE ranking of top three firms to provide corridor manage— ment plans for the Corridor Management Land Use Study. —APPROVE contract with the State of Florida Department of Community Affairs for grant to fund Corridor Land Use Study. —APPROVE cancellation of the July 6, 1988, Regular City Council Meeting. May 4, 1988, Regular City Council Response in Student Response Response in Student Response Re	-SUBJECT-	Ord. No.	Res.	F
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City Council Chambers 735 Eighth Street South Naples, Florida 33940



CITY COUNCIL MINUTES
Regular Meeting

Time_ 9:00 a.m.

Date 05/18/88

Mayor Putzell called the meeting to order a	nd presided	as Chairman	: '				
ROLL CALL: Present: Edwin J. Putzell, Jr. Mayor	, ITEM 2		M	S	VOI	E	A
Kim Anderson-McDonald (left 11:35 a.m. William E. Barnett Alden R. Crawford, Jr (left 11:42 a.m. John T. Graver Paul W. Muenzer Lyle S. Richardson, Councilmen		COUNCIL MEMBERS	O T. O N	N	Y E S	N O	
Also Present: Franklin C. Jones, City Manager David W. Rynders, City Attorney Mark W. Wiltsie, Assistant City Manager Gerald L. Gronvold, City Engineer Ann "Missy" McKim, Com. Development Dir. Norris C. Ijams, Fire Chief Jodie M. O'Driscoll, Deputy Clerk Christopher L. Ho Community Servi Steven R. Ball, Chief Planner Frank W. Hanley, Finance Directo Paul C. Reble, Police Chief Jon C. Staiger, P Natural Resourc George Henderson, Sergeant-At-Arm	ces Dir. r h.D., es Mgr.						
See Supplemental Attendance List - Attachme	nt #1.						
INVOCATION: Reverend Edward Gammon Vanderbilt United Presbyterian	ITEM 1						
***	***						
ANNOUNCEMENTS: MAYOR PUTZELL: Introduced Naples Hig Teacher Steve Casolino and the students w participate in Student Government Day. CITY MANAGER JONES: None.	ITEM 3 h School ho would						
*** ***CONSENT AGENDA	***				100		
APPROVAL OF MINUTES	ITEM 4						
May 4, 1988, Regular Meeting May 4, 1988, Workshop Meeting							
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CITY OF NAPLES, FLORIDA				V	
City Council Minutes Date 05/18/88	COUNCIL MEMBERS	M O T I O N	E C O N	Y E S	
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PURCHASING ITEM 5					
RESOLUTION NO. 88-5538					
A RESOLUTION AWARDING THE BID FOR FURNISHING AND INSTALLING FOUR 24-FOOT HIGH STEEL TRAFFIC SIGNAL POLES AT GULF SHORE AND BANYAN BOULEVARDS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.					
Mid-Continent Electric, Inc. Naples, Florida \$21,170.00					
Title not read.					
Mr. Crawford expressed concern about aesthetics and whether the poles were necessary. City Engineer Gronvold explained that traffic counts have indicated a significant need, including safer pedestrian crossing. In response to Councilman Muenzer, Mr. Gronvold confirmed that they would not be tied into the City's computerized synchronization system; the City will, however, install the wiring.					

RESOLUTION NO. 88-5539					
A RESOLUTION EXTENDING AUTHORIZATION FOR THE HUMANE SOCIETY TO USE A TEMPORARY OFFICE TRAILER AT THE NAPLES AIRPORT FOR THE HUMANE EDUCATION PROGRAM UNTIL MAY 28, 1989; AND PROVIDING AN EFFECTIVE DATE.	Anderson- McDonald Barnett Crawford Graver	x	x	X X X	
Title not read.	Muenzer Richardson	1		X	
MOTION: To APPROVE the Consent Agenda as presented.	Putzell (7-0)			X	
***		1			
END CONSENT AGENDA					
ADVERTISED PUBLIC HEARINGS			1	1	
ORDINANCE NO. 88-5540 ITEM 7		1			
AN ORDINANCE AMENDING CHAPTER 3-2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; INCLUDING BOTTLE CLUBS IN THE REGULATION OF HOURS OF SALE OF ALCOHOLIC BEVERAGES; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCLUDE BOTTLE CLUBS IN THE REGULATION OF HOURS OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.					
Title read by City Attorney Rynders.				1	
PUBLIC HEARING: Opened: 9:11 a.m. Closed: 9:11 a.m.					
No one present to speak for or against.					
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### TO ADOPT the ordinance as presented at second reading. ### ***	COUNCIL MEMBERS Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	0 T I 0	N D	E	YES
### TO ADOPT the ordinance as presented at second reading. ### ***	McDonald Barnett Crawford Graver Muenzer Richardson Putzell	X	X		X X X X
A RESOLUTION AUTHORIZING ALTERATION OF A NONCONFORMITY TO MAKE AN EXISTING GASOLINE STATION AT 2201 NORTH TAMIAMI TRAIL LESS NONCONFORMING, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE. Sitle read by City Attorney Rynders. Community Development Director McKim advised that withough this request would bring the entire site more into conformance, it would still be considered non-conforming due to its proximity to another service station. Staff has recommended that the northernmost entrance onto U.S. 41 be closed, withough the Planning Advisory Board (PAB) recommended approval that the northernmost exit remain intact. After a brief discussion regarding on-site traffic flow without the northernmost exit, Mrs. McKim cointed out that the site would still have two access points: Mooringline Drive and U.S. 41. Mr. Meno Spagna, representing the petitioner, displayed tharts of two scenarios outlining traffic flow on the site. Should the northernmost entrance be eliminated, he said, there could be major traffic conflicts and safety hazards. Referring to the required landscaping, Mr. Spagna advised that Mobil Dil would be willing to install a five-foot hedge willing the Mooringline Drive side and Station Manager/Owner Wayne Ramsey said he would be willing to landscape the entire site.					
Community Development Director McKim advised that although this request would bring the entire site more into conformance, it would still be considered non-conforming due to its proximity to another service station. Staff has recommended that the northernmost entrance onto U.S. 41 be closed, although the Planning Advisory Board (PAB) recommended approval that the northernmost exit remain intact. After a brief discussion regarding on-site traffic flow without the northernmost exit, Mrs. McKim without the northernmost exit, Mrs. McKim without the site would still have two access points: Mooringline Drive and U.S. 41. Mr. Weno Spagna, representing the petitioner, displayed tharts of two scenarios outlining traffic flow on the site. Should the northernmost entrance be eliminated, he said, there could be major traffic conflicts and safety hazards. Referring to the required landscaping, Mr. Spagna advised that Mobil Dil would be willing to install a five-foot hedge along the Mooringline Drive side and Station Manager/Owner Wayne Ramsey said he would be willing to landscape the entire site.					
Ar. Crawford moved to approve the resolution with an amendment to Section 1 which reads: "hedge shall be planted along the 'western, northern, and southern sides' of the property." MOTION: To APPROVE the resolution with the	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	X			X X X X X X X X

				Total	75
CITY OF NAPLES, FLORIDA		м	s		1
City Council Minutes Date 05/18/88	COUNCIL MEMBERS	0 1 0 1	E C O Z D	YES	E S E N N N N N N N N N N N N N N N N N
	FILMBERS	-	-	5	=
Title read by City Attorney Rynders.					
Community Development Director McKim explained that the Planning Advisory Board (PAB) recommended approval but staff did not because the existing multi-family residential designation is encouraged by the Comprehensive Plan as a buffer between single-family and commercial.					
Citizen Gene Berman spoke in opposition to the ordinance stating that he did not believe in encroaching on the buffer zone.					
Mayor Putzell noted that the ordinance did not limit uses to office buildings only and expressed concern about possible uses of the property by subsequent owners as well as a possible precedent of encroachment on existing buffer zones. City Attorney Rynders pointed out that Council has the authority to rezone certain parcels of land but cannot limit the type of use within a specific zoning designation. Although the petitioner had proposed a deed restriction limiting the use to an office building, the Courts do not look kindly upon any type of restrictive covenant as, he said, it believes such restrictions violates the property owner's constitutional rights.					
The City Attorney, however, suggested an alternative; namely, the "O" Office District designation which is also designed to buffer residential districts and would provide for office use only. The petitioner would then have to request a variance from the 4500 square foot minimum requirement, inasmuch as the property could only accommodate a 3800 square foot building.					
Petitioner Mark Moran displayed artist's renderings of the proposed building and placed into the record pictures of the undeveloped lot and a neighboring convenience store showing trash and debris littering the area.					
Messrs. Crawford and Graver asked if the lot were developed multi-family, how many units could be built. Mr. Moran said he believed a four-unit development could be constructed. Community Development Director McKim pointed out, however, that the medical use being proposed would generally create more traffic than a multi-family development.					
Referring to the petition, Councilman Muenzer noted that all property owners immediately adjacent to the site were in favor of the proposed rezone. Mayor Putzell, however, reiterated concern about a possible precedent and noted the City Attorney's suggested compromise. Mrs. McKim further noted that the petitioner had actually applied for a medical use rezone but that the PAB recommended denial so the petitioner withdrew before the matter got to Council.					
Mr. Richardson moved to table this ordinance for two weeks so that staff could suggest to the petitioner what proposed zoning change it would support and come back to Council with the petitioner's direct request.					
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CITY OF NAPLES, FLORIDA				vo	TE	T
City Council Minutes Date 05/18/88		M O T	0	Y		FEST
	COUNCIL MEMBERS	0	N D	E	N O	1
MOTION: To <u>TABLE</u> the ordinance as presented at first reading for two weeks. NOTE: This item must first be reviewed by the Planning Advisory Board (PAB) prior to	Anderson- McDonald Barnett Crawford Graver		х	X X X		+
Council's consideration.	Muenzer Richardson	х		X X		
***	Putzell (7-0)			Х		
RESOLUTION NO. 88-5542 ITEM 10			1	1	1	1
A RESOLUTION AFFIRMING THE DECISION OF THE CITY STAFF AND PLANNING ADVISORY BOARD IN CONNECTION WITH THE ADMINISTRATIVE APPEAL BY FRANCIS D. HUSSEY, JR., TRUSTEE, RELATING TO REQUIRED PARKING FOR PHYSICAL THERAPISTS; AND PROVIDING AN EFFECTIVE DATE.						
RESOLUTION NO. 88-5543 :						
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE PARKING FOR PHYSICAL THERAPISTS AT 625 NORTH TAMIAMI TRAIL, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.						
Titles read by City Attorney Rynders.						
Community Development Director McKim explained that this Administrative Appeal concerns the definition of a physical therapist which the staff feels is clearly medical. Physical therapists are under the supervision of a doctor even though the doctor may not be on-site, she added. City Attorney Rynders concurred.						
The petitioner's attorney, Richard Aaron, argued that the language was ambiguous regarding "under direct supervision of a physician" inasmuch as physical therapists are duly licensed and there are no doctors on-site. City Attorney Rynders, however, reiterated his support of staff's interpretation.	Anderson- McDonald Barnett Crawford Graver Muenzer	X	х	X X X X		THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, T
MOTION: To <u>DENY</u> the Administrative Appeal as presented.	Richardson Putzell (7-0)			X	-	
*****						1
Community Development Director McKim then addressed the petitioners' request for a conditional use permit. Mr. Crawford expressed concern about the building not having adequate parking. Mrs. McKim pointed out that there was sufficient parking for the first floor but because the petitioner wished to add a second floor, the need for more parking arose.						
Councilman 'Anderson-McDonald suggested that the Council stipulate terminating the conditional use with the termination of the lease for off-site parking. City Attorney Rynders concurred. The second floor tenants' leases would reflect that same stipulation, Attorney Aaron assured.						The second secon
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City Council Minutes Date 05/18/88	CITY OF NAPLES, FLORIDA		П		V
MCDONALD TO APPROVE THE PRESIDENT WITH THE following amendments: Section (13), fifth line should read "from Sixth Avenue North to' the area"; and the addition of a termination clause should the off-site parkins lease end. *** END COMMUNITY DEVELOPMENT/P.A.B FIRST READINGS PIRST READINGS PIRST READINGS PIRST READINGS ORDINANCE NO. SB AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES RELATING TO ADVERTISING BY ADDING SUBSECTION 2-20; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE REGULATIONS RELATING TO DEPOSITING OF REFUSE ON PRIVATE AND PUBLIC PROPERTY. Title read by City Attorney Rynders. City Attorney Rynders asked that this item be withdrawn from the agenda. *** END FIRST READINGS RESOLUTION APPOINTING FOUR MEMBERS TO THE CONTRACTORS' EXAMINING BOARD CREATED BY THE EXPIRED TERMS OF THREE MEMBERS AND THE UNEXPIRED TERM OF J.M. CHAMBERS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Rynders. It was the consensus of Council to appoint the following to the Contractors' Examining Board: E. J. Kidd (licensed general contractor)			0 T I 0	E C O N	1
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to park a motor home at his residence overnight,	Title read by City Attorney Rynders.				
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CITY OF NAPLES, FLORIDA		м	s	VO	Γ
City Council Minutes Date 05/18/88	COUNCIL MEMBERS	0 T I O N	E	Y E S	1
Community Development Director McKim explained. Many citizens have expressed the desire to bring recreational vehicles home for one or two days prior to a trip in order to clean and pack it. She suggested that staff review the ordinance to provide a possible permit handled by the staff to accommodate these overnight requests.					
Councilman Muenzer suggested that Council discuss the ordinance in a workshop. Citizen Robert Ott concurred and further suggested that the Police Department be empowered to issue permits and be held responsible for enforcement. MOTION: To APPROVE the resolution as presented.	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell	х	х	X X X X X X	
***	(7-0)				
		1		1	1
ITEM 14					1
RESOLUTION NO. 88-5546 : Item 14-a					1
IN ORDER OF PREFERENCE TO PROVIDE CORRIDOR MANAGEMENT PLANS IN CONJUNCTION WITH THE CORRIDOR MANAGEMENT LAND USE STUDY; DIRECTING THE CONSULTANT SELECTION COMMITTEE TO NEGOTIATE A CONTRACT WITH THE TOP RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE.					
RESOLUTION NO. 88-5547 Item 14-b					
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR A GRANT TO FUND A CORRIDOR MANAGEMENT LAND USE STUDY; AND PROVIDING AN EFFECTIVE DATE.					
Titles read by City Attorney Rynders.					1
Community Development Director McKim advised that the Consultant Selection Committee had reviewed the top three firms' proposals and recommends that Council engage A. Gail Boorman and Associates. In response to Mr. Richardson, staff confirmed that Golden Gate Parkway and Goodlette-Frank Road were the two traffic corridors to be studied.	Anderson- McDonald Barnett Crawford Graver Muenzer	X	X	X X X X	
19.3 (19.5) 1.5 (19.5) 1.5 (19.5) 1.5 (19.5) 1.5 (19.5) 1.5 (19.5) 1.5 (19.5)	Richardson			X	1
MOTION: To APPROVE the resolution as presented.	Putzell (7-0)		-	1	1
******	Anderson-	1	1	1	1
Referring to the proposed contract between the State of Florida Department of Community Affairs and the City, Mayor Putzell confirmed with the City Attorney that he had read and approved the contract.	McDonald Barnett Crawford Graver	Х	x	X X X X	
MOTION: To APPROVE the resolution as presented.	Muenzer Richardson			X	
***	Putzell (7-0)	1	1	Х	1
RESOLUTION NO. 88-5548 ITEM 15			1	1	1
A RESOLUTION CANCELLING THE JULY 6, 1988, REGULAR CITY COUNCIL MEETING; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.				1	
					1

CITY OF NAPLES, FLORIDA 0 City Council Minutes Date 05/18/88 E T C I 0 0 N E COUNCIL N MEMBERS N D S 0 Anderson-MOTION: To APPROVE the resolution as presented. McDonald X Barnett *** X Crawford Х Graver Х ITEM 16 Muenzer X Richardson ACTION ON MAY 13, 1988, DECISION OF CONTRACTORS EXAMINING BOARD REGARDING T & X Putzell (7-0)D ASPHALT MAINTENANCE, PURSUANT TO SECTION 8-48 (C) (5), DISCIPLINARY PROCEEDINGS, OF THE CODE OF ORDINANCES. City Attorney Rynders advised that the Council, Andersonunder Section 8-48(C)(5) of the Code, could by $_{\rm X}^{\rm X}$ McDonald X motion either affirm or disaffirm the Contractors' Barnett X Examining Board findings regarding T & D. Asphalt Crawford X Maintenance. Graver X Muenzer MOTION: To AFFIRM the Contractors' Examining X Richardson _ Board decision. X Putzell (7-0) RECESS: 10:55 A.M. TO 11:05 A.M. CORRESPONDENCE AND COMMUNICATIONS: City Manager Jones explained that it was suggested staff review with Council different sections of Comprehensive Plan whenever there was opportunity, so Community Development Director McKim briefly addressed the Parks, Recreation and Open Space element. Mayor Putzell suggested that staff "tab" the next draft for easier review. After a brief discussion of available open space, Mayor Putzell recommended that a qualified consultant be retained to study these and new open space areas. Chief Planner Ball explained that the Community Services Department has completed several studies on this issue, copies of which could be obtained from them. Council expressed concern that the City might be deficient in community parks, such as Cambier and Fleischmann, due to overuse, especially on weekends. City Manager Jones pointed out that because the County was deficient in facilities, County residents use City parks. Councilman Muenzer said the County could utilize school facilities such as Big Cypress Elementary. Mr. Crawford also mentioned that the softball and baseball leagues were inter-mixed with City and County residents. Community Services Director Holley explained that this was simply because there are not enough children for a City-only Naples Little League so County residents are included. Councilman Richardson suggested that a City staff member either volunteer to be on the County Parks and Recreation Board or at least attend meetings to keep the City apprised of progress to increase community parks. Referring to certain Regional/Urban Development Team (R/UDAT) open space proposals, Mr. Crawford said he -8-

CITY OF NAPLES, FLORIDA				vo	TE	
City Council Minutes Date 05/18/88	COUNCIL MEMBERS	MOTHON	SECOND	YES	N O	A B S E N
believed some of the suggestions were not necessary now and could be deleted, such as Policy 5-4 as illustrated on Parks 6 of the Plan. After a brief discussion regarding present City facilities and how to correct deficiencies in the level of service, Mayor Putzell asked if the City would be obligated to establish neighborhood parks in the areas outlined on Parks 13 of the Plan. Community Services Director Holley explained that those were potential areas and not binding. Mr. Jones also pointed out that several years ago the City had proposed a neighborhood park, but due to lack of citizen interest, the project was abandoned. Mr. Muenzer suggested that the City undertake maintenance of the County's Sea Gate park which could possibly ease the City's deficiency. He further suggested a joint workshop between the Council, Parks & Recreation Advisory Board and a representative from the Collier County School Board to discuss possible use of school facilities for recreation activities. This might also reduce the City's need for additional facilities, he said. *** ADJOURN: 11:50 a. ** *** *** ADJOURN: 11:50 a. ** ADJOURN: 11:50 a. *						

Attachment #1

SUPPLEMENTAL ATTENDANCE LIST

Jack Sturgis Reverend Edward Gammon Wayne LeCureuz Harry Boyce Mrs. Sarah Sauer Richard J. Aaron

Neno J. Spagna W. W. Haardt Cyril Keane Charles Reinbolt Terry Tragesser Robert Ott

Gene Berman Charles Andrews Robert Galloway Robert Schroer C. C. Holland Mork Moran

Other interested citizens and visitors.

NEWS MEDIA

Tim Hass, WBBH-TV

Jeff Reble, Palmer Cablevision Pete Scovill, Palmer Cablevision Denis Husty, Ft. Myers News-Press Marty Bonvechio, Naples Daily News