



City of Naples

City Council Minutes
Regular Meeting 03/15/89

City Council Chamber:
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-		Ord. No.	Res. No.	Pa
<u>ANNOUNCEMENTS:</u>				
MAYOR PUTZELL: Welcomed those in attendance and read a proclamation regarding the upcoming second annual City/County Volleyball Tournament, April 1, 1989. He also noted that the Sabal Bay item would be discussed at 1:00 p.m.				1
CITY MANAGER JONES: None.				1
<u>APPROVAL OF MINUTES:</u> February 22, 1989, Workshop Meeting March 1, 1989, Regular Meeting				1
<u>PURCHASING:</u>				
-BID AWARD for pipe tapping machine, Utilities.			89-5767	2
-BID AWARD for one metal industrial building construction, Utilities.			89-5768	2
-BID AWARD for turf maintenance equipment, Community Services.			89-5769	2
-BID AWARD for replacement compressed air system.			89-5770	2
-BID AWARD for semi-automatic weapons, Police.			89-5771	3
-Authorize execution of contract with T.A. Forsberg, Bailey Lane Assessment District.			89-5772	4
<u>RESOLUTIONS:</u>				
-APPROVE expansion of a nonconforming structure, 1191 29th Avenue N.			89-5775	6
-APPROVE variance for a six foot fence, 2990 North Tenth Street.			89-5776	7
-DENY request for 5 1/2 foot fence, 2990 North Tenth Street.			89-_____	7
-DENY variance to permit expansion of a guest house, 99 11th Ave. S.			89-_____	8
-DENY expansion of a nonconforming structure, 99 11th Avenue S.			89-_____	8
-DENY variance to permit construction of a screen enclosure for a pool, 538 Tird Street N.			89-_____	9
-DENY variance to allow construction of a second floor, 2020 Fifth Street South.			89-_____	10
-APPROVE execution of a contract with Affordable Housing of Southwest Florida, Inc.			89-5778	11
-APPROVE execution of an agreement with Creative Computer Solutions, Inc.			89-5779	11
-APPROVE execution of a Recycling Award Siganture Sheet accepting State grant monies.			89-5780	11
-APPROVE procedure for submittal of documents to the City Council at meetings.			89-5781	13
<u>ORDINANCES - First Reading:</u>				
-APPROVE amendment to the Public Employees Relations Commission procedures and requirements to conform to State Statutes.		89-_____		1
-APPROVE permit to sell alcoholic beverages on Sunday, April 30, 1989, for the Taste of Collier.		89-_____		1
<u>ORDINANCES - Second Reading:</u>				
-ADOPT amendments to the Zoning Code.			89-5773	4
-ADOPT rezone of proeprty from I, Industrial to PD, Planned Development, Goodlette Road and First Avenue South.			89-5774	6
-CONTINUE rezone of property and approval of development orders for dredging marina access channels, Sabal Bay Villages.		89-_____		14
<u>CORRESPONDENCE AND COMMUNICATIONS:</u> None.				18

DD0784

Date 03/15/89

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

ITEM 5

COUNCIL
MEMBERS

M	S			A
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I	O			E
N	N			N
D	D			T

---RESOLUTION NO. 89-5767

Item 5-a

A RESOLUTION AWARDDING CITY BID #89-39 FOR A PIPE TAPPING MACHINE FOR THE WATER DISTRIBUTION DIVISION OF THE UTILITIES DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Hydra-Stop, Inc.
Blue Island, Illinois
\$8,675.00

Title not read.

---RESOLUTION NO. 89-5768

Item 5-b

A RESOLUTION AWARDDING THE BID FOR CONSTRUCTION OF ONE (1) METAL INDUSTRIAL BUILDING AT THE CITY OF NAPLES WATER TREATMENT PLANT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Sunshine Excavators, Inc.
Naples, Florida
\$9,191.50

Title not read.

---RESOLUTION NO. 89-5769

Item 5-c

A RESOLUTION AWARDDING CITY BID #89-38 FOR TURF MAINTENANCE EQUIPMENT; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

DeBra Turf & Industrial Equipment,
Inc.
Fort Myers, Florida
\$43,535.00

Lesco, Inc.
Rocky River, Ohio
\$7,696.00

Title not read.

---RESOLUTION NO. 89-5770

Item 5-d

A RESOLUTION AWARDDING THE BIDS FOR A REPLACEMENT COMPRESSED AIR SYSTEM AND SELF-CONTAINED BREATHING APPARATUSES FOR THE NAPLES FIRE DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

(breathing apparatuses)
Safety Equipment Company
Tampa, Florida
\$42,200.73

COUNCIL
MEMBERS

M	S		A
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(compressed air system)
Ten-8 Fire Equipment, Inc.
Bradenton, Florida
\$24,492.00

Title not read.

Councilman Crawford asked for clarification regarding the award of this bid to a sole source. Fire Chief Ijams explained that the Department had several years ago decided to use Scott Aviation compressed air systems instead of another manufacturer. This vendor is the sole source for Scott Aviation in southwest Florida, Purchasing Agent Unangst added.

Referring to fire sites, Councilman Muenzer asked if the City had the capacity to refill packs on location. Chief Ijams said the Department could not, but normally it would take extra air tanks; however, currently, the City's equipment is inoperable and compressed air has to be supplied by the East Naples Fire District. There is only a small degree of interchangeability between those two systems.

---RESOLUTION NO. 89-5771

Item 5-e

A RESOLUTION AWARDDING THE BID FOR SEMI-AUTOMATIC WEAPONS AND RELATED ACCESSORIES FOR THE NAPLES POLICE DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

(weapons)
Oaks Wholesale Distributors, Inc.
Rockledge, Florida
\$23,900.00

(accessories)
Gulf States Distributors, Inc.
Montgomery, Alabama
\$4,020.37

Title not read.

Councilman Graver asked about the differences between this weapon and the authorized .38 caliber revolver. City Manager Jones explained that after much deliberation, it was decided by the Department that it would use only Smith and Wesson equipment for standardization purposes. The semi-automatic weapon would provide officers with a more rapid, accurate exchange of fire.

The current City policy requires officers to purchase their firearms through a payroll deduction plan. Officers will have the option of choosing which weapon they prefer, Mr. Jones said. In response to Councilman Crawford, Mr. Jones advised that the Department had adopted the philosophy that if officers owned the weapons, they would take much better care of them.

COUNCIL
MEMBERS

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

---RESOLUTION NO. 89-5772

Item 5-f

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE NECESSARY DOCUMENTS IN ORDER TO ENTER INTO A CONTRACT WITH T.A. FORSBERG OF FLORIDA, INC., TO CONSTRUCT A SANITARY SEWER LINE AND LIFT STATION ON BAILEY LANE; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

In response to Councilman Crawford's concern about the disparity in cost, Utilities Director Chaffee pointed out that the contractor, T.A. Forsberg, had just completed a similar project in that area and was familiar with site conditions. They could, therefore, provide a very competitive price.

MOTION: To APPROVE the Consent Agenda as presented.

-----END CONSENT AGENDA-----

-----ADVERTISED PUBLIC HEARINGS-----

---ORDINANCE NO. 89-5773

ITEM 6

AN ORDINANCE AMENDING APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY AMENDING SECTION 3F, PROPERTY IN TWO ZONING DISTRICTS, BY PROVIDING FOR THE APPLICATION OF THE MOST RESTRICTIVE REGULATIONS WHERE PROPOSED DEVELOPMENT CROSSES A ZONE LINE; BY CREATING SECTION 5.1A "RE", RURAL ESTATES DISTRICT; BY CREATING SECTION 5.4A "R3-6", MULTIFAMILY DISTRICT; BY AMENDING SECTION 5.5 "R3-12", MULTIFAMILY DISTRICT, TO DELETE LANGUAGE IN SUBSECTION D; AMENDING SECTION 5.10 "HC", HIGHWAY COMMERCIAL DISTRICT, BY ADDING A CONDITIONAL USE; AMENDING SECTION 5.11 "C1", RETAIL SHOPPING DISTRICT BY DELETING "ACCESSORY TO AND" FROM SUBSECTION C; AMENDING SECTION 5.12 "C1-A", RETAIL SHOPPING DISTRICT, SUBSECTION A, BY REVISING THE DESCRIPTION OF THE CITY'S COMMERCIAL CORE, AND SUBSECTION C, BY DELETING "ACCESSORY TO AND"; AMENDING SECTION 5.21 "PS", PUBLIC SERVICE DISTRICT, BY ADDING TO SUBSECTION H. MAXIMUM HEIGHT, A PROVISION FOR EXTRA HEIGHT BEING APPROVED AS A CONDITIONAL USE FOR CERTAIN BUILDINGS; CREATING SECTION 5.22 "C", CONSERVATION ZONING DISTRICT; AMENDING SECTION 6.3 ANNEXED TERRITORY, BY PROVIDING A TABLE FOR CLASSIFYING ANNEXED PROPERTY; AMENDING SECTION 6.8, DENSITIES, MAXIMUM PERMITTED, SUBSECTION A, RELATING TO "R3-6", ZONING DISTRICT DENSITIES; AMENDING SECTION 6.8, DENSITIES, MAXIMUM PERMITTED, SUBSECTION D, DEFINING DENSITY; AMENDING SECTION 6.15 HEIGHT REQUIREMENTS, EXCEPTIONS THERETO, BY ADDING LANGUAGE RELATING TO RELIGIOUS SYMBOLS; ADDING TO SECTION 6.18, LOT

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(6-0)

X	X		
		X	X
X		X	
		X	
		X	
		X	
		X	

COUNCIL
MEMBERS

M O T I O N	S E C O N D	Y E S	N O	A B S E N T
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COVERAGE, MAXIMUM PERMITTED, SUBSECTIONS A AND C, WITH LANGUAGE RELATING TO DISTRICT "R3-6," ADDING TO SECTION 6.18, LOT COVERAGE, MAXIMUM PERMITTED, A NEW PARAGRAPH (E) RELATING TO PUBLIC PARKING GARAGES; AMENDING SECTION 6.23(1)(10), PARKING REQUIREMENTS FOR MEDICAL OFFICES AND CLINICS, BY DELETING THE FORMULA FOR DOCTORS' PARKING; AMENDING SECTION 6-23(1)(11), PARKING REQUIREMENTS FOR MULTIFAMILY DWELLING UNITS BY ADDING THE "R3-6" ZONING DISTRICT; AMENDING SECTION 6.29, SIDEWALKS REQUIRED, BY ADDING AN OPTION FOR DEVELOPERS TO CONTRIBUTE TO THE SIDEWALK PROGRAM; AMENDING SECTION 6.30, SIGNS, SUBSECTION (B)(2), ROOF SIGN, BY CHANGING THE DEFINITION OF ROOF SIGN, ADDING SUBSECTION (B)(2.1) PROVIDING FOR A DEFINITION OF ROOFLINE, AMENDING SUBSECTION (C)(4) TO INCREASE CONTROL OF SIGNS IN COMMERCIAL DEVELOPMENTS, AND AMENDING SUBSECTION (F)(1)(a) BY ADDING THE ZONING DISTRICT "R3-6"; AMENDING SECTION 6.32, SWIMMING POOLS AND ENCLOSURES, SUBSECTION (A), BY EXCLUDING THE "RE", RURAL ESTATES DISTRICT; AMENDING SECTION 6.41(A), YARDS: ENCROACHMENTS, BY ADDING BAY WINDOWS, TRELLISES AND CANTILEVERED AWNINGS; AMENDING SECTION 16, DEFINITIONS, BY CREATING SUBSECTION 11.1, DEFINING CLUSTERS; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO AMEND AND CLARIFY CERTAIN PROVISIONS OF THE ZONING CODE PURSUANT TO THE ANNUAL REVIEW THEREOF BY THE STAFF AND THE RECOMMENDATION OF THE PLANNING ADVISORY BOARD.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:27 a.m.
Closed: 9:28 a.m.

No one present to speak for or against.

Mayor Putzell explained that this item had previously been discussed at a workshop meeting and was necessary to update and modernize the City's very competent and effective set of zoning regulations.

These amendments are a result of the Comprehensive Plan hearings, voluntary annexations and clarification of existing ordinances, Community Development Director McKim advised. Three new zoning districts have been added to the Code: rural estates (RE); R3-6 and conservation - vital or limited.

MOTION: To ADOPT the ordinance as presented at second reading.

-----END ADVERTISED PUBLIC HEARINGS-----

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES
PLANNING ADVISORY BOARD

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(6-0)

X

X

X

X

X

X

X

X

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COUNCIL
MEMBERS

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---ORDINANCE NO. 89-5774

ITEM 7

AN ORDINANCE REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF GOODLETTE ROAD AND FIRST AVENUE SOUTH FROM "I", INDUSTRIAL, TO "PD", PLANNED DEVELOPMENT, DESIGNATED FOR INDUSTRIAL USES, IN CONJUNCTION WITH A SPECIFIC SITE PLAN. PURPOSE: TO REZONE A 1.59 ACRE PARCEL AT THE PROPERTY OWNER'S REQUEST FOR CONSTRUCTION OF A STORE FRONT ADDITION.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:30 a.m.
Closed: 9:30 a.m.

No one present to speak for or against.

Community Development Director McKim advised that the petitioner had requested a rezone of this property to PD (planned development) from I (industrial). She further noted that a GDSP (general development site plan) had been submitted and reviewed by staff; both Planning Advisory Board (PAB) and staff recommend approval of the request.

In response to Mayor Putzell, Mrs. McKim advised that there has been no changes made to plan since first reading.

MOTION: To ADOPT the ordinance as presented at second reading.

Councilman Crawford stated that since he was not satisfied with the site plan and voted no at first reading; he felt compelled to be consistent and voted no at this hearing.

---RESOLUTION NO. 89-5775

ITEM 8

A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMING STRUCTURE TO PERMIT REPLACEMENT OF A SIX FOOT WOODEN FENCE IN A FRONT YARD SETBACK AT A RESIDENCE LOCATED AT 1191 29TH AVENUE NORTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

The petitioner has requested a permit to allow an existing non-conformity, Community Development Director McKim explained. This fence was damaged considerably during Tropical Storm Keith in November, 1988, and reconstructed soon thereafter without obtaining proper permits. Mrs. McKim noted that approximately 20 signatures had been supplied via petition to the Planning Advisory Board (PAB) recommending approval of the request.

In response to Councilman Graver, Mrs. McKim advised that this fence was very close to the property line. The current setback is approximately 19-feet instead of the required 20.

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(5-1)

X
X
X
X
X
X
X
X

X

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p>Councilman Crawford suggested that the resolution contain a provision whereby this structure could not be rebuilt without obtaining the appropriate permits. City Attorney Rynders, however, recommended staff notify the property owner that such activity would not be acceptable in the future. <u>It was the consensus of Council that staff should notify the property owner in writing of its decision.</u></p> <p>MOTION: To <u>APPROVE</u> the resolution as presented.</p> <p>***</p> <p>---<u>RESOLUTION NO. 89-</u> <u>ITEM 9</u></p> <p>A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMING STRUCTURE TO PERMIT REPLACEMENT OF A FIVE-AND-ONE-HALF-FOOT (5-1/2') FENCE IN A FRONT YARD SETBACK TO ENCLOSE AN EXISTING SWIMMING POOL AT A RESIDENCE LOCATED AT 2990 NORTH TENTH STREET; AND PROVIDING AN EFFECTIVE DATE.</p> <p>---<u>RESOLUTION NO. 89-5776</u></p> <p>A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.11(A) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PERMIT CONSTRUCTION OF A SIX FOOT FENCE IN A FRONT YARD SETBACK TO ENCLOSE AN EXISTING SWIMMING POOL AT A RESIDENCE LOCATED AT 2990 NORTH TENTH STREET; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Titles read by City Attorney Rynders.</p> <p>City Attorney Rynders advised that there were two resolutions for Council's consideration: expansion of a non-conforming structure and a Code variance. Council must approve either one or the other. The Planning Advisory Board (PAB) has recommended denial of the variance but supported approval of the non-conforming expansion.</p> <p>After a brief discussion regarding similar requests, <u>Councilman Graver moved to support the PAB's recommendation to approve the 5-1/2 foot fence which would expand the non-conforming structure. Mrs. Anderson-McDonald seconded the motion. This resulted in a tie vote at which time the Mayor asked for another motion.</u></p> <p><u>Mr. Muenzer then moved to approve the variance for a 6-foot fence. Councilman Richardson seconded the motion.</u></p> <p>MOTION: To <u>APPROVE</u> the variance request for a 6-foot fence as presented.</p> <p>***</p>	Anderson-McDonald				
	Barnett				X
	Crawford				
	Graver			X	
	Muenzer	X		X	
	Richardson			X	
	Putzell			X	
(6-0)					
Anderson-McDonald		X			
Barnett					
Crawford					
Graver				X	
Muenzer	X			X	
Richardson				X	
Putzell				X	
(3-3) TIED					
Anderson-McDonald			X		
Barnett					X
Crawford					
Graver	X			X	
Muenzer					X
Richardson					X
Putzell					X
(4-2)					

COUNCIL
MEMBERS

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---RESOLUTION NO. 89---

ITEM 10

A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.14 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PERMIT EXPANSION OF A GUEST HOUSE WHICH WILL EXCEED 40 PERCENT OF THE FLOOR AREA OF THE PRINCIPAL DWELLING AT 99 11TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

---RESOLUTION NO. 89---

A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMING STRUCTURE TO PERMIT EXPANSION OF A NONCONFORMING GUEST HOUSE AT 99 11TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Rynders.

Community Development Director McKim advised that the petitioner had applied and received a building permit for this expansion; however, at that time, it was unknown that said expansion was for this guest house. Currently, the guest house exceeds 40% of the floor area of the principal dwelling, which in itself is a violation of Code, and the petitioner has requested that it be expanded to 72% of the main house.

In response to Mayor Putzell, Mrs. McKim cited the definition of a guest house from the Code: "an accessory dwelling unit which is incorporated in, attached to or detached from a principal dwelling and which is used exclusively by occupants of the principal dwelling and/or for the noncommercial accommodation of persons visiting the occupants of the principal dwelling."

Attorney Donald T. Franke, representing the petitioner, said his client had obtained the necessary permits and the site had been inspected twice before the Code Enforcement Officer issued a stop work order. The remodeling would not add to the footprint of the structure, Mr. Franke noted, but would add to the total square footage by renovating storage space to closet and habitable areas. Mayor Putzell expressed concern about the possible renting of such structures (directly in violation of Code) and asked if it was the petitioner's intent to rent this guest house as has been done in the past. Attorney Franke advised that the petitioner intended to live in the guest house and when her family or friends visited, they would occupy the principal structure.

Councilman Anderson-McDonald asked for assurances from the Planning Department that situations like this could not happen again. Mrs. McKim advised that staff currently is working on a submittal requirement for building permits which would correct some of these problems.

Referring to rental of this property, Mr. Graver asked if the two structures could be rented separately. Mrs. McKim pointed out that the property could be rented; however, the guest house

COUNCIL
MEMBERS

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would have to be used for the renter's visitors and could not be let individually.

Mrs. George L. Ford strongly opposed this renovation and cited past incidents wherein the petitioner had rented the guest house and main structure to undesirables. The property has been used many times for multi-family housing which is not a compatible use in this neighborhood, Mrs. Ford said.

Ms. Marjorie H. Jones expressed concern that because the renovated guest house would essentially have two entrances, it could be used for multi-family housing.

Referring to the Planning Advisory Board (PAB) minutes, Mayor Putzell cited Mr. Passidomo's remarks wherein he stated that: "He does not believe the petitioner has persuaded him to the criteria being met."

After a brief discussion regarding the question before Council, Mrs. McKim advised that the petitioner was not required to obtain a permit to remodel the existing 890 s.f.; however, should she care to remodel that portion being used for storage, an expanded non-conformity permit would be required.

MOTION: To DENY the resolutions as presented.

---RESOLUTION NO. 89-

ITEM 11

A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.32(A)(2), APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT CONSTRUCTION OF A SCREEN ENCLOSURE FOR AN EXISTING SWIMMING POOL WHICH IS LESS THAN FOUR (4) FEET FROM THE PROPERTY LINE AT A RESIDENCE LOCATED AT 538 THIRD STREET NORTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that this property was unique because the pool was constructed during a period wherein no setbacks were required for such structures. The petitioner has requested a variance from the Code which would permit him to install a screen enclosure.

Councilman Muenzer pointed out that the property owner had just purchased this house and had planned to resell it as soon as practicable.

MOTION: To DENY the resolution as presented.

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(6-0)

X

X

X

X

X

X

X

X

X

X

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(6-0)

X

X

X

X

X

X

X

X

X

COUNCIL
MEMBERS

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I	O	N		N
O	N	S		T

---RESOLUTION NO. 89---

ITEM 12

A RESOLUTION GRANTING A VARIANCE FROM SECTION 5.3(F)(2) AND SECTION 16.59, APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT CONSTRUCTION OF A SECOND FLOOR ADDITION TO AN EXISTING ONE-STORY RESIDENCE LOCATED AT 2020 FIFTH STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim noted that this request was to permit construction of a second story to an existing structure. The property in question, however, does not meet setback requirements for a two-story structure. Planning Advisory Board (PAB) members contended that there were a few alternative plans for this expansion and, therefore, recommended denial.

In response to Mayor Putzell, Mrs. McKim said that she did not believe approval of this request would set a precedent as there were extenuating circumstances to consider.

Architect Bill Tracy, representing the petitioner, referred to several citations from the PAB meeting of March 2, 1989, quoted from the official meeting tape, and contended that the PAB had not considered this request on its own merits but had instead taken action on the character of this neighborhood. Mr. Tracy then distributed photos of this area and said that he did not believe this addition would be detrimental to the ambience of that neighborhood.

Referring to alternative designs for this expansion, Mr. Tracy commented that it would be very difficult inasmuch as there is a swimming pool directly behind the structure and a dredged boat slip into the property itself.

Councilman Crawford said that a popular cliché, "the only way to go is up", has been the motto of this town for many years. He did not support that saying and, in fact, recommended that additions such as this not be allowed because of the possible precedents which could be construed.

Mr. Muenzer moved to approve the resolution including an amendment indicating the date of submitted drawings, January 23, 1989. This motion failed for lack of a second.

MOTION: To DENY the resolution as presented.

-----END COMMUNITY DEVELOPMENT/PAB-----

-----FIRST READINGS-----

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(5-1)

			X	
				X
			X	
			X	
			X	
			X	
			X	
			X	
			X	

COJNCIL
MEMBERS

M	S			A
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O	N	S		N
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---ORDINANCE 89---

ITEM 13

AN ORDINANCE AMENDING SECTION 1A166(3), SECTION 1A-168(f), SECTION 1A-168(g), SECTION 1A-170(b), SECTION 1A-174(e), SECTION 1A-176(b), ADDING SUBSECTION (3) TO SECTION 1A-185(a), AND CREATING NEW SECTIONS 1A-190 AND 1A-191 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO AMEND THE PUBLIC EMPLOYEES RELATIONS COMMISSION PROCEDURES AND REQUIREMENTS TO CONFORM TO FLORIDA STATUTES.

Title read by City Attorney Rynders.

City Manager Jones advised that the City was one of a select few which had its own Public Employees Relations Commission (PERC). The State's PERC has just recently reviewed the City's procedures and requirements and has recommended a few changes as outlined in the ordinance for compliance with State Law.

MOTION: To APPROVE the ordinance as presented at first reading.

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(6-0)

	X	
	X	
X	X	
	X	
	X	
	X	

X

---ORDINANCE NO. 89---

ITEM 14

AN ORDINANCE PERMITTING THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY, APRIL 30, 1989, BETWEEN THE HOURS OF 12:00 NOON AND 4:00 P.M. BY THE COLLIER COUNTY RESTAURANT ASSOCIATION OR THEIR AUTHORIZED AGENTS AT THE "SIXTH ANNUAL TASTE OF COLLIER" FUND RAISING EVENT HELD IN THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO APPROVE THE REQUEST TO SELL ALCOHOLIC BEVERAGES FOR THE PURPOSE OF RAISING FUNDS FOR THE MENTAL HEALTH ASSOCIATION OF COLLIER COUNTY AND THE SCHOLARSHIP FUND OF THE FLORIDA RESTAURANT ASSOCIATION, CHAPTER 15.

Title read by City Attorney Rynders.

City Manager Jones advised that this was a special action which would allow the sale of alcoholic beverages on Sunday, April 30, 1989. There has been no problems experienced with this event in the past and proceeds benefit the Mental Health Association of Collier County.

MOTION: To APPROVE the ordinance as presented as presented at first reading.

-----END FIRST READINGS-----

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(6-0)

	X	X
		X
		X
		X
X	X	X
	X	X

X

COUNCIL
MEMBERS

M	S		A
O	E		
T	C		
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---RESOLUTION NO. 89-5778

ITEM 15

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT BETWEEN THE CITY OF NAPLES AND AFFORDABLE HOUSING OF SOUTHWEST FLORIDA, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR A HOME REPAIR LOAN PROGRAM FOR LOW AND MODERATE INCOME CITIZENS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

The staff has been developing a program which would enable low and moderate income citizens to apply for a reduced interest home repair loan through a local bank. The program would be funded, in part, by Community Development Block Grants.

In response to several questions by Council, Community Development Director McKim advised that certain contractual duties still had to be worked out with those entities involved such as: whether the bank would make additional funds available and requirements for loan approval.

MOTION: To APPROVE the resolution as presented.

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---RESOLUTION NO. 89-5779

ITEM 16

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN APPLICATION SOFTWARE TECHNICAL ASSISTANCE AGREEMENT, AN APPLICATION SOFTWARE LICENSE AGREEMENT, AN APPLICATION SOFTWARE INSTALLATION AGREEMENT AND AN APPLICATION SOFTWARE TRAINING AGREEMENT BETWEEN THE CITY OF A NAPLES AND CREATIVE COMPUTER SOLUTIONS, INC. FOR A COMPUTERIZATION PROGRAM THAT WILL PROVIDE FOR AUDITING CONTROL AND STREAMLINED BUILDING AND CODE ENFORCEMENT OF THE COMMUNITY DEVELOPMENT DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that this software would enable staff to computerize existing records which currently are filed and researched by hand. It is the staff's intent to begin computerization of current information then work back from that point.

In response to Mayor Putzell, Mrs. McKim estimated that it would take no less than one full year to input information to 1980.

MOTION: To APPROVE the resolution as presented.

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COUNCIL
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---RESOLUTION NO. 89-5780

ITEM 17

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RECYCLING AWARD SIGNATURE SHEET ACCEPTING \$18,750.00 IN SOLID WASTE MANAGEMENT ACT FUNDING FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION TO BE USED IN THE CITY'S RECYCLING PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Utilities Director Chaffee advised that the State Legislature was awarding funds to those government entities which had a recycling program in place prior to the State mandate. By executing the Award Signature Sheet, the City would be accepting \$18,750 in monies to be used in conjunction with its recycling program.

Councilman Richardson noted that the County was in the process of establishing a committee for its recycling efforts and asked if any members of the City staff had applied. Mr. Chaffee advised that he and Dr. Staiger had both applied to that committee.

Currently, this program has saved approximately \$18 per ton at the County landfill and reaped \$35 per ton in recyclable material for a total savings of \$55 per ton.

MOTION: To APPROVE the resolution as presented.

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	X

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---RESOLUTION NO. 89-5781

ITEM 18

A RESOLUTION ADOPTING A PROCEDURE FOR SUBMITTAL OF DOCUMENTS TO THE CITY COUNCIL AT REGULAR OR SPECIAL MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that the title of this resolution was incorrect as the regulation would not apply to Special meetings. This document was a result of Council's desire not to be inundated with last minute documents to absorb prior to its consideration which had been made a part of the record.

Mayor Putzell suggested a clause be included which would allow for special exceptions to this regulation by Council. Mrs. Anderson-McDonald, however, did not agree and recommended that a vote be taken on the resolution as presented. She then reiterated her concerns and reasons for requesting this instrument. When citizens and their representatives make documents a part of the record, that implies Council had previous knowledge of the contents. Councilman Crawford concurred.

The Mayor then noted the resolution should include an amendment to the first recital that not only indicates the City's publication requirements, as outlined in the Charter, but also include language

COUNCIL
MEMBERS

MOTION	SECONDS	Y	N	A

"before taking action" at the end of the last sentence.

MOTION: To APPROVE the resolution with the aforementioned amendment.

City Manager Jones reminded Council that at this time staff would like to hold an Executive Session in the City Manager's Conference Room. He further noted that a Workshop meeting would be held on March 22, 1989.

RECESS: 10:50 a.m. until 1:00 p.m.

---ORDINANCE NO. 89-

ITEM 19

AN ORDINANCE REZONING A PARCEL OF LAND APPROXIMATELY 50 ACRES LOCATED SOUTH OF DANFORD STREET AND BAYVIEW PARK AND THE EAST SIDE OF NAPLES BAY EXTENDING TO THE EASTERN CITY LIMITS, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R1-15", SINGLE FAMILY RESIDENTIAL, TO "PD", PLANNED DEVELOPMENT; DIRECTING THAT THE ZONING ATLAS BE REVISED TO REFLECT SAID REZONING; APPROVING DEVELOPMENT ORDERS IN CONJUNCTION WITH A DEVELOPMENT OF REGIONAL IMPACT; APPROVING A DEVELOPMENT OF SIGNIFICANT ENVIRONMENTAL IMPACT ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE SAID PROPERTY AT THE REQUEST OF THE PROPERTY OWNER; TO APPROVE DEVELOPMENT ORDERS FOR DREDGING MARINA ACCESS CHANNELS AND DEVELOPMENT OF PARK SITES AND ENVIRONMENTAL MONITORING AND MITIGATION PLANS.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 1:20 p.m.
Closed: 2:50 p.m.

Mayor Putzell reviewed the City's procedures for speaking and asked that since there was such a large crowd, that those in attendance be considerate of whoever was speaking at the time. Should anyone fail to follow these rules, the Sergeant-At-Arms will remove them. He then read a letter from Collier Development Corporation (Attachment #2), in its entirety, which requested a continuation of this hearing until June 21, 1989, to enable that group and City staff to work toward some reconciliation of concerns. City Attorney Rynders advised that Council could legally grant the petitioner's request.

Attorney John Aurell, representing the petitioner, responded to the Mayor's concerns of how this continuance would improve the proposed project. The petitioner believes he can address concerns raised at the last hearing regarding environment, impact of boat traffic and pollution. Councilman Graver then

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COUNCIL
MEMBERS

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asked if the changes to be made would be minimal or substantial to satisfy everyone's concerns. Mr. Aurell advised that his group had every intention of working sincerely with the City staff and citizens as necessary to come to some sort of compromise.

Referring to the proposed master plan of Naples Bay, Councilman Muenzer asked if this study would be completed prior to the next public hearing should Council decide to continue the matter. City Manager Jones advised that it could.

Mayor Putzell asked for staff's reaction to the question of tabling this matter until June 21, 1989. City Manager Jones said that staff would support such a continuation with the understanding that it would be working toward solutions to the current concerns as proposed in the Development Order.

Councilman Crawford said he thought the Council should be more definitive in stating its concerns so that there is no question as to what it expects from the developer. Specifically, that his concerns were not limited to those enumerated in Collier Development, Inc.'s, letter of March 13, 1989. Attorney Aurell said that his group would welcome any public or private comments from the Council or individual citizens.

The Mayor then asked for a few brief comments from citizens who wished to address the matter of continuing this issue only.

Mr. Ed Oates spoke in favor of the continuance as he believed it would be a reasonable solution to the matter at hand.

Mr. Fred Sullivan supported the same position.

Mr. James Lennane asked if this item was continued, that it be until the winter residents could be in attendance as well. Mayor Putzell pointed out that this City operated year round and could not base its decisions on the convenience of those part-time residents.

Attorney Joe Fleming, representing the Conservancy, said that he did not believe the marina study would be accurate if this hearing was put off until the summer as there are fewer boaters at that time. He then questioned Collier Development Corporation's motives for requesting a continuance.

Referring to DER's intent to permit, Attorney Fleming suggested the petitioner withdraw its application until such time as deliberations with the City have been completed. Mayor Putzell replied to Mr. Fleming's comments about a study during the summer months by noting that several counts have previously been made of the Bay which could determine the level of service. Councilman Muenzer noted that two of the four busiest times of the year was coming up: Easter and Memorial Day.

Attorney Aurell took exception to Mr. Fleming's remarks about withdrawing the DER permit. There is a suit filed against DER's intent to permit; however, it was initiated by the Conservancy, not Collier Development Corporation.

COUNCIL
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Mrs. Betty Van Arsdale supported the continuance and suggested that further study be made of the wetland areas during this time.

Mr. Wheeler Conkling was opposed to such a continuance and suggested that Collier be required to resubmit their application and proceed through the permit approval process once again.

Councilman Crawford reiterated his comments that the petitioner should be provided with precise statements of concern from the Council. Attorney Aurell asked that his clients be afforded the opportunity to work with staff and try to come up with a better and less controversial project.

The Mayor then asked for an informal reaction from Council.

Mr. Graver said he would support a continuance but asked that the Colliers' address impact of such a marina upon the area.

Mrs. Anderson-McDonald noted that a postponement would not be the most popular decision, but it was the fairest; therefore, she would also support a continuance.

Councilman Richardson concurred and added that those in attendance should be given a chance to speak if they so desire.

Mr. Crawford said that while it was his nature to resolve conflict when confronted, he believed that in this instance it would be fairer to the petitioner to grant a continuance. He also would support it.

Councilman Muenzer supported a continuance but asked the City Attorney for his expertise. City Attorney Rynders said that he believed it would be to the City's advantage to table this matter should legal action ensue. It would show good faith effort on the City's behalf by giving the petitioner another chance to meet its concerns.

At this time, Mayor Putzell said he also would support a continuance but wanted to make it clear that there were two major concerns regarding the environment and the boat study which had to be addressed.

Mr. Muenzer moved to accept Collier Development Corporation's request for a continuance until June 21, 1989. Mrs. Anderson-McDonald seconded the motion.

Mr. John Engelsted spoke in opposition to the project and continuance.

Mr. Scott Cameron spoke in favor of the project and continuance.

Ms. Eileen Arsenault deferred her comments until the June 21, 1989, hearing.

COUNCIL
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Mr. John Hagen, representing the Park Shore Association, Inc., advised that his group was in favor of the project.

Mr. John Swanson, a local developer, also spoke in favor of the project.

Mr. John Brown supported continuation of this item and recounted several personal experiences regarding development procedures in New York.

Mr. John Van Arsdale supported the continuance but concurred with Mr. Crawford that Council should give some specific guidance to the developer.

Mrs. Betty Van Arsdale suggested that there could have been some political misdeeds in connection with the issuance of DER's permit; however, she could not prove this accusation.

Mr. Bill Klohn was not in attendance to speak.

Ms. Carol Niess referred to an article in Sunday, March 12, 1989, Naples Daily News which indicated that none of the proposed slips would be used for the 6,800 homes to be built in that development. She then theoretically asked where those people would moor their vessels.

Mr. Carl Pittman was not in attendance to speak.

Ms. Dawn Litchfield, representing East Naples Civic Association, said her group was in favor of the project.

Mr. Duke Turner was not in attendance to speak.

Mr. Stephen Wheeler, representing Collier County Hotel/Motel Association, advised that his group was also in favor of the project.

Mr. W.C. Hookway deferred his comments until the June 21, 1989, hearing.

Captain Allan P. Slaff asked that the developer also work with the citizenry in addressing their concerns. Attorney Aurell assured Council that every effort would be made to meet with those interested parties.

Mrs. Edith Williams spoke in opposition to the project and said she did not believe the public hearing should be held in the summertime.

Mr. Gary L. Beardsley deferred his comments until the June 21, 1989, hearing.

Mr. Joe Bonness spoke in favor of the project.

Mr. Aurel Sarosdy supported a continuance but asked that it be during the time when all residents could be in attendance.

Mr. Bill Barton deferred his comments until the June 21, 1989, hearing.

Mr. Fred Sullivan concurred with the motion to continue this item.

COUNCIL
MEMBERS

MOTION	SECTION	YES	NO	ABSENT

Mr. James R. Weigel was not in attendance to speak.

Mr. W.V. Hartman was not in attendance to speak.

Dr. Keith Hussey advised Council of letters he had received in opposition to this project. Residents of his Royal Harbor neighborhood have signed approximately 200 letters stating such opposition, he said. Councilman Muenzer noted that the Board of Directors from Royal Harbor had sent a letter in support of the project.

Mr. J. Richard Young concurred that more study needed to be done regarding the environmental concerns of this project as well as the issue of boat traffic.

Attorney Joe Fleming, representing the Conservancy, said that his group would take advantage of the time allowed by this continuance to restudy the project without waiving their legal rights.

Mayor Putzell then asked for any other public comments. There being none, he closed the public hearing.

MOTION: To CONTINUE the public hearing for the second reading of this ordinance until June 21, 1989, at the petitioner's request.

CORRESPONDENCE AND COMMUNICATIONS: None.

ADJOURN: 2:52 p.m.

JANET CASON
CITY CLERK

JODIE M. O'DRISCOLL
DEPUTY CLERK

These minutes of the Naples City Council were approved on _____.

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(6-0)

X

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SUPPLEMENTAL ATTENDANCE LIST

B. Hull	H. Williams	Tom Abbott
Charles Shumway	Charles Andrews	M/M Fred Bell
M/M John Van Arsdale	Dick Lowe	Rev. Richard Mapes
Ron McNemore	William Tracy	M/M Ash
Samuel Fader	Clinton Fleming	George L. Turner
Sherry Beauchamp	Lisa Nicholas	Michael J. Ruganis
Jerry L. Mitchell	Jeannie Means	Anthony Wijiechowski
Robert Wentz	Florence Nippes	Vicki Nickell
Connie Larsen	Amy Taylor	Diane Bond
Susette Tigtmeyer	Larry Pornsic	L. Bruet
Craig F. Bucheus	Kathy Cook	Peter Craig
Tor Kolflat	Jeff M. Led	Wray Russell
Gary Turner	Robert Kessler	Alisa Oer
Joy Cicucciglin	Sharon Lawrie	Dan Kremmer
Sherry Balas	Kathy Fairbanks	Sandy Walker
Scott Douglas	Bruce Sherman	David Lamb
Leana Wauberlion	Gilbert Lubberger	Jerri Stanley
Julie Culp	Glenn Simpson	John M. Joynce
Chris Schumann	David Vaughn	Walter Nimocks
Jess Apli	Sarah T. Linney	Allen Dean
Chris J. Shoal	Thomas T. Mueller	Sarah Gale
Leo Taylor	Kay Carlson	Jack Stephens
Shirley D. Sills	Russel O. Gills	Terri Cox
George Turrell	Rodd R. Niedermeyer	Glennnda Roberts
David W. Brend	Frederick J. Babar, III	Howard Markoff
Lorri White	Mark E. White	Retha Fowler
Donald R. Britefield	Meloday Shute	Jim Shute
Jim Logie	Edward Leotti	Jack Haley
Kim Rodgers	Douglas McNeill	M/M Lee Sulander
Marjorie H. Jones	Mrs. George L. Ford	Ted Villani
John Englested	Scott Cameron	Eileen Arsenault
John Hagen	John C. Swanson	John P. Brown
Bill Klohn	Carol M. Niess	Carl Pittman
Dawn Litchfield	Duke Turner	Stephen Wheeler
W.C. Hookway	Allan P. Slaff	Edith Williams
Wheeler Conkling	Gary L. Beardsley	Edward Oates
Joe Bonness	Aurel Sarosdy	Bill Barton
Mr. Fred L. Sullivan	James P. Weigel	W.V. Hartman
Dr. Keith Hussey	J. Richard Young	Joe Fleming
John K. Aurell	Miles C. Collier	Cliff Barksdale
Dr. Michael Stephen	Jacobus Van De Kreeke	Dr. Eugene F. Corcoran
Larry Brand	Stanley Hole	Thomas M. Missimer
Eric J. Heald	Michael McComas	James P. Lennane

Other interested citizens and visitors

NEWS MEDIA

Lori Darvas, Naples Daily News
Alicia Callahan, WEVU-TV

Bryan Hoopes, Palmer Cablevision
Tim Hass, WINK-TV

Collier Development Corporation

3003 NORTH TAMiami TRAIL NAPLES, FLORIDA 33940

(813) 261-4455

March 13, 1989

Honorable Edwin Putzell
Mayor of Naples
Naples City Hall
735 Eighth Street South
Naples, Florida 33940

Subject: Collier Development Corporation/Sabal Bay Petitions

Dear Mayor Putzell:

During the proceedings conducted by City Council on March 1, 1989, several issues and concerns were expressed by Council members as follows:

- A. The number and phasing of boat slips at the marina.
- B. Boat traffic in Naples Bay and the need for development of levels of service standards.
- C. The impacts on the City of Naples without a tax base to generate revenue.
- D. The control of future development of the marina after the first phase and the related environmental aspects of the project.

It has always been our philosophy at Collier Enterprises, as demonstrated by our willingness during the past four years, to make modifications to the project to resolve legitimate concerns as they were identified during the planning and review process.

It is the sincere desire of Collier Development Corporation to have a project that will be a credit to the Naples area and that the city's residents will take pride in and support. Thus, we wish to have an opportunity to consider how the project may be modified to resolve the concerns which were expressed.

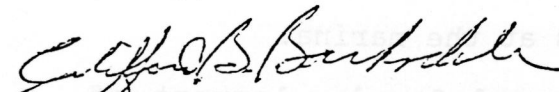
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March 13, 1989
Mayor Edwin Putzell
Page 2

Since March 1, 1989, we have commenced the complicated process of identifying possible solutions which we believe will satisfy the reasonable concerns of council members and various community elements.

In this spirit and to this end, we respectfully request that the public hearing noticed for March 15 be renoticed for June 21, 1989, in order to give us the opportunity to meet with your staff and others so that we may make every effort to come up with satisfactory solutions.

Sincerely,


Clifford B. Barksdale, P.E.
Senior Vice President

CBB/ljn

cc: Council Members
City Manager