



City of Naples

City Council

Special Meeting 05/10 89

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<p><u>-TIED VOTE</u> to approve ordinance placing a moratorium on the construction boat slips and docks in Naples Bay, Dollar Bay, Gordon River, and the inland waterway.</p>	89-_____		1-3

PA4350

Date 05/10/89

Present: Edwin J. Putzell, Jr.,
Mayor

Kim Anderson-McDonald
Alden R. Crawford, Jr.
John T. Grever (arrived 7:10 p.m.)
Paul W. Muenzen
Lyle S. Richardson,
Councilman

Absent: William E. Barnett,
Councilman

Also Present:

Franklin C. Jones, City Manager
David W. Rynders, City Attorney
Ann "Missy" McKim, Community Dev. Dir.
Jon C. Staiger, Ph.D., Natural Res. Mgr.
George Henderson, Sergeant-At-Arms
Jodie M. O'Driscoll, Deputy Clerk

AN ORDINANCE PLACING A MORATORIUM ON THE CONSTRUCTION OF BOAT SLIPS AND DOCKS ON CERTAIN PROPERTY IN NAPLES BAY, DOLLAR BAY, GORDON RIVER AND THE INLAND WATERWAY; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO TEMPORARILY PROHIBIT THE CONSTRUCTION OF NEW BOAT SLIPS IN THE AREAS DESIGNATED ABOVE.

Title read by Mayor Putzell.

PUBLIC HEARING: Opened: 7:25 p.m.
 Closed: 8:00 p.m.

City Manager Jones advised that the Planning Advisory Board had met on May 2, 1989, and recommended not enforcing such a moratorium. If this ordinance is approved at first reading, he continued, it would be necessary to hold another public meeting for the second reading, May 24, 1989, at 5:30 p.m.

Mayor Putzell then spoke briefly regarding his position and why he had begun discussions concerning a moratorium on the permitting of boat slips and dockage sites. The City's most effective planning tool, the Comprehensive Plan, deals with Naples Bay only in general terms, he said. Therefore, an in depth master plan which would address some of the most pressing issues should be adopted for the Bay. He stated that the City should have a Comprehensive Plan for the water area of the City as it does for its land mass. He continued that he would be more comfortable knowing that such a plan was available for guidance when Council approves variance requests for such permits. Councilman Muenzer concurred and said that he believed the study currently underway for presentation to Council prior to June 14, 1989, would be one means to this end.

Councilman Graver disagreed and said he did not believe there was sufficient knowledge of potential problems on the Bay to warrant such restrictive action. He further commented that he was not sure that this action would be in the best interest of the community.

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The Mayor then noted several proposed docks in Naples Bay and Gordon River areas as outlined in the staff's memorandum (Attachment #1).

Mr. Richardson argued that there was no need for this moratorium inasmuch as it takes approximately three to four months for these proposed dock sites to obtain permits, the length of time which was proposed for the moratorium. City Attorney Rynders confirmed this and further indicated that the ordinance could be repealed by resolution. The purpose of the ordinance, he said, was to provide a temporary period wherein a solution could be found to the existing problems on Naples Bay.

Referring to the proposed ordinance, Councilman Crawford noted that it was open-ended and could be withdrawn at any time by action of the Council. Mrs. Anderson-McDonald pointed out that if Council implemented such an ordinance, it would serve as indication to developers planning such facilities that they might have to wait for an indefinite period of time before proceeding with projects affected by this moratorium.

Captain Allen P. Slaff spoke in favor of the ordinance and said he believed consideration of the Sabal Bay matter should also be postponed until a moratorium was in place. He also recommended that Council contemplate enacting a Naples Bay Authority which could govern, in an advisory capacity, those issues that impact the Bay and its water system.

Mr. Phil Morse strongly objected to the ordinance and said he did not believe it fair that residential and commercial slips not be considered equally inasmuch as this ordinance only addresses the commercial application. He continued that the commercial marine trade had not been contacted by the City regarding this moratorium for its input. Mr. Morse then explained his method of expanding his marina wherein he has only increased capacity as the need arose. If this ordinance is adopted, he would not be able to expand at all which could ultimately hurt his business.

Mayor Putzell took exception to Mr. Morse's comment about input from the marine trade and advised that the purpose of this public hearing was to gain input from interested citizens and business owners. This ordinance has been drafted so that at any time, by resolution, the moratorium could be lifted, he said.

Business owner Duke Turner of Turner Marine, one of the largest docking facilities in Naples, also spoke in opposition to the ordinance. While Mr. Turner conceded that at times there was some congestion on the Bay. But, if proper boating techniques were employed by all boaters, there would be very few problems and no need for this ordinance. He further suggested that Council consider approving permits on a first-come, first-serve basis.

Citizen Sewell Corkran advised he was in favor of the ordinance as it would provide the City with more time to further study effects of additional marinas and other contributors to pollution of the Bay. He

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contended that 48 years ago the Bay waters were clear and full of wildlife which is not the case today.

Mr. John Van Arsdale also spoke in support of the ordinance and said that Naples has a history of exceptional planning and such planning techniques should also apply to the waterways.

Referring to the Sebal Bay marina which would be situated in the County, Councilman Graver asked if this moratorium would affect it. City Attorney Rynders advised that it would not; however, should Council deem it necessary to limit marinas in the City, it could deny the request for an access channel to that marina. This would only be a temporary decision, he said, since the moratorium eventually would be lifted.

Councilman Crawford moved to approve the ordinance. Mrs. Anderson-McDonald asked if a time certain could be placed for reconsideration by Council in approximately six months. Mr. Crawford said that he believed a year to be a more appropriate time frame. City Attorney Rynders added that it would take approximately six to nine months for any amendments to the Comprehensive Plan which might result from the Naples Bay study. Mr. Crawford then amended his motion to include reconsideration by Council at the end of one year. Councilman Muenzer seconded the motion.

MOTION: To APPROVE the ordinance at first reading with an amendment for Council to reconsider this action at the end of one year.

Mrs. Anderson-McDonald noted that she would have supported the moratorium on a six month review, but could not sustain it for a one year period.

Councilman Graver said the proposed marinas did not provide a significant number to consider such action and said that he could not support the ordinance on that basis.

As a result of a tied vote, City Attorney Rynders advised that the ordinance was not approved and that there would be no reason to hold a second reading of the ordinance as scheduled for May 24, 1989, at 5:30 p.m.

ADJOURN: 8:00 p.m.

EDWIN J. PUTZELL, JR., Mayor

JANET CASON
CITY CLERKJODIE M. O'DRISCOLL
DEPUTY CLERK

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

Anderson-
McDonald X
Barnett X
Crawford X
Graver X
Muenzer X
Richardson X
Putzell X

(3-3) TIED



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR EDWIN J. PUTZELL, JR.
AND MEMBERS OF CITY COUNCIL

FROM: FRANKLIN C. JONES, CITY MANAGER

SUBJECT: COMMERCIAL DOCKS/PROPOSED DOCKS

DATE: MAY 10, 1989

Dr. Staiger has provided the following data for planned or proposed docks that may be constructed on Naples Bay and the Gordon River.

I. Commercial Docks

A. Permitted (DER, USACoE, DNR)

1. City Dock - 22 slips
2. OMC site - 38 slips (project in limbo)
3. Maropa Marine - about 65 dry storage racks on Halderman Creek; facility closed, may reopen soon.
4. South Point Yacht Club (Windstar) - about 70 slips in existence.


B. Planned

1. River Point Marina - 41 slips; south of Port O' Call Marina; DER/USACoE permit application submitted, City dredge/fill permit in processing.
2. Docks adjacent to Vera Cruz/Versailles site - no specific plans seen, but their existence is rumored.

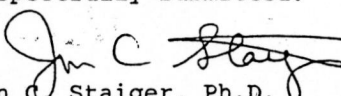
II. Residential Docks

- A. Existing - River Reach; boat launching ramp and parking for about 50 trailered boats (all spaces filled at present, with short waiting list).
- B. In development - River's Edge; 52 townhouses to be built with floating dock space for each unit.

Sincerely,


Franklin C. Jones,
City Manager

Respectfully submitted:


Jon C. Staiger, Ph.D.
Natural Resources Manager

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