



City of Naples

City Council Minutes

Regular Meeting 08/02/89

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
ANNOUNCEMENTS:			
MAYOR PUTZELL: None			1
CITY MANAGER JONES: Advised staff would provide an update on Hurricane Dean at the end of the meeting. He then congratulated Debbie Johnson for her achievement of a Bachelor in Business Administration degree.			
<u>APPROVAL OF MINUTES:</u> July 19, 1989, Regular Meeting			2-3
<u>PURCHASING:</u>			
-BID AWARD for one compact, four-door automobile.		89-5882	4
<u>RESOLUTIONS:</u>			
-APPROVE ten utility easements in conjunction with the agreements between the City and the golf courses for use of effluent.		89-5883	4
-APPROVE appointment of underwriter for the 1989 Public Service Tax Bond Issue.		89-5886	7
-APPROVE amendment to two previously-approved development plans, 3777 Tamiami Trail N.		89-5888	8-9
-APPROVE preliminary subdivision plat for "Mews of Belair."		89-5889	8-9
- <u>CONSENSUS</u> not to reconsider conditional use permit to allow a four story, 122 room motel, High Point Drive.		89-_____	11-12
-APPROVE PEBSCO deferred compensation plan for City employees.		89-5890	14
<u>ORDINANCES - First Reading:</u>			
- <u>DELAY</u> adoption of the Unified Development Regulations for the City of Naples.	89-_____		9-11
-APPROVE issuance of City of Naples, Florida, Hospital Revenue Bonds.	89-_____		12-14
<u>ORDINANCES - Second Reading:</u>			
-ADOPT increase in contractor's licensing fees.	89-5884		4-5
-ADOPT issuance of City of Naples, 1989 Public Service Tax Bonds.	89-5885		5-6
-ADOPT rezone of property, 3777 Tamiami Trail N.	89-5887		8-9
<u>CORRESPONDENCE AND COMMUNICATIONS:</u>			
-City Manager Jones advised there was a storm in the Atlantic Ocean that had the potential of impacting South Florida.			14-15
-Discussion about unpaid parking violations.			14-15

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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	

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educational achievements through the City's tuition reimbursement program. Ms. Johnson has been attending classes in the evenings to earn her Bachelor of Business Administration degree. After receiving a resounding acclamation from Council and the audience, Ms. Johnson thanked those City officials and management personnel who have made it possible for her to attain this goal.

-----CONSENT AGENDA-----

APPROVAL OF MINUTESITEM 4

July 19, 1989, Regular Meeting

Councilman Crawford asked for clarification regarding Council's action at its last meeting notifying the Department of Transportation (FDOT) of its tentative approval to raise the height of the Gordon River Bridge on U.S. 41. City Manager Jones advised FDOT had held several public hearings last year regarding the traffic congestion at Four Corners, and during those discussions, many members of the public had requested FDOT study the feasibility of raising the Gordon River Bridge.

Mr. Graver said he understood the bridge had to be replaced, and using state-of-the-art materials to replace the old, dilapidated bridge would increase its height by approximately two feet anyway. The actual added clearance under the bridge would be three and one-half feet, he said.

Referring to his memorandum included in the July 19, 1989 meeting packet, Mayor Putzell said he believed this action inappropriate considering Council's unanimous denial of Sabal Bay. Both projects could have an adverse impact upon the waterways by increased boat traffic. The Mayor then reiterated his previous comments regarding consideration of a boat moratorium and, further, asked that such discussion be placed on an upcoming Council agenda. Councilman Graver said he believed the City should discuss such action with the County before proceeding further so that it would not be a moot cause. Mayor Putzell noted

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[illegible]

he has had several conversations with the County Chairman who was interested in participating in such discussions.

Mr. Crawford said he would feel more comfortable if Council could discuss the matter further before tendering its recommendation to FDOT. Councilman Muenzer concurred.

Mrs. Anderson-McDonald asked if staff had already conveyed Council's recommendation of July 19 1989, to FDOT, and, if so, what implications might occur if Council decided to change its mind. City Attorney Rynders advised that there was very little legal implication, and he further noted this project would not be funded by FDOT for many years to come. Council could reverse its decision without incident, he said.

Mr. Muenzer suggested a representative from FDOT be present at the workshop meeting to explain details of this proposal and show how it would affect surrounding areas. Councilman Richardson pointed out that FDOT had been requested at its public hearings last year to raise the Gordon River Bridge. Those appeals came mostly from individuals north of the bridge, he said. During that public hearing process, proposed drawings and plans had been on display for the public to review.

Referring to repair of the Gordon River Bridge, Councilman Richardson added that FDOT has determined the 40-year-old bridge must be replaced, and with the new technology, it will be raised somewhat regardless of Council's action.

It was the consensus of Council to further discuss the raising of the Gordon River Bridge and a possible boat moratorium at a future workshop meeting.

PURCHASING

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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	

---RESOLUTION NO. 89-5882

ITEM 5

A RESOLUTION AWARDDING THE BID FOR ONE COMPACT, FOUR-DOOR AUTOMOBILE FOR THE BUILDING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDS THEREON; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

---RESOLUTION NO. 89-5883

ITEM 6

A RESOLUTION ACCEPTING TEN UTILITY EASEMENTS IN CONJUNCTION WITH THE AGREEMENTS ENTERED BETWEEN THE CITY OF NAPLES AND VARIOUS GOLF COURSES IN THE CITY RELATING TO THE MAINTENANCE AND REPAIR OF THE EFFLUENT DISTRIBUTION PIPELINE FOR THE DELIVERY AND USE OF RECLAIMED IRRIGATION WATER; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

MOTION: To APPROVE the Consent Agenda as presented.

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

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

---ORDINANCE NO. 89-5884

ITEM 7

AN ORDINANCE AMENDING SECTION 8-44 OF THE CODE OF ORDINANCES RELATING TO CONTRACTOR'S LICENSING FEES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCREASE THE CONTRACTOR'S LICENSING FEES FOR MAJOR TRADES, SPECIALTY TRADES AND JOURNEYMEN IN THE CITY OF NAPLES.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:25 a.m.
Closed: 9:26 a.m.

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

X X
X X
X X
X X

X

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

Community Development Director McKim advised staff had surveyed other cities and counties and determined that Naples' fees were well below the norm and should be increased.

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

---ORDINANCE NO. 89-5885

ITEM 8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN MUNICIPAL IMPROVEMENTS WITHIN THE CITY; AUTHORIZING THE REFUNDING OF ALL PRESENTLY OUTSTANDING PUBLIC SERVICE TAX REVENUE BONDS, SERIES 1983, OF THE CITY; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$4,700,000 PUBLIC SERVICE TAX REFUNDING REVENUE BONDS, SERIES, 1989, IN ORDER TO FINANCE THE COST OF SAID MUNICIPAL IMPROVEMENTS AND OF SAID REFUNDING; PROVIDING FOR THE PAYMENT OF SAID BONDS FROM THE PROCEEDS OF THE PUBLIC SERVICE TAX; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS; PROVIDING FOR CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH, AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO FINANCE THE COST OF THE ACQUISITION AND CONSTRUCTION OF CERTAIN MUNICIPAL IMPROVEMENTS AND THE REFUNDING OF THE CITY'S OUTSTANDING PUBLIC SERVICE TAX REVENUE BONDS, SERIES 1983.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:30 a.m.
Closed: 9:43 a.m.

Finance Director Hanley explained this ordinance would provide for the refunding of a 1983 utility tax bond issue with which the City would realize approximately \$168,000 in savings. The ordinance

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also provides the issuance of a new 1989 series for \$2-million.

In response to Councilman Richardson, City Manager Jones advised that although staff had planned to proceed with the Gordon Drive drainage project in the Capital Improvement Program (CIP) during 1989, a revenue source for that project had never been established. Inasmuch as the project is of significant cost, staff believed it prudent to fund it from a portion of this issue.

Citizen J. Sandy Scatena of 2990 Binnacle Drive advised he was in support of the ordinance, but he did have some concerns. Referring to a letter he received in 1979 from Mr. Roger Barry, then Community Development Director, regarding the construction of sidewalks in single-family residential areas, Mr. Scatena advised that Mr. Barry had interpreted the Code to read that sidewalks were not required in such areas. Mr. Scatena asked Council to consider a project which would allow sidewalks to be constructed on Fairway Terrace and to be funded from this issue. There were many elderly citizens along that road who would feel more comfortable walking if there was a sidewalk, he said. Mayor Putzell asked staff to address this issue and make sure that such an expenditure would be in the best interest of the entire community, not just a few. He then suggested Mr. Scatena attend the budget hearings and present his request again at those proceedings.

Discussion then ensued relative to the definition of multi-family housing as outlined in the Code requiring construction of sidewalks.

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

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

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

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---RESOLUTION NO. 89-5886

ITEM 9

A RESOLUTION APPOINTING AN UNDERWRITER; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR FINANCIAL ADVISORY SERVICES; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR BANKING SERVICES FOR THE SALE OF THE 1989 UTILITY TAX SUPPORTED BONDS AND THE REFUNDING OF THE 1983 BOND ISSUE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Finance Director Hanley explained that in 1987 the City was considering refunding its water and sewer revenue bonds; however, the interest rates increased and that refunding never came about. Proposals were received from several firms, and Council appointed a committee to review and rank the firms. Therefore, staff has recommended that the underwriting firms of Alex Brown & Sons and A.G. Edwards & Sons, Inc., be appointed to serve on this issue. In addition, staff also recommended that the firm of Dean Witter Reynolds, Inc., be appointed financial advisor as was the case in 1987.

Councilman Crawford asked if the fee for Dean Witter Reynolds, Inc. would be the same as proposed in 1987. Mr. Hanley estimated the fee to be approximately \$130,000. Referring to the underwriters fee, Mr. Crawford said he believed it was reasonable compared to his firm and others in the area.

The proposals for banking services relating to this issue will be closed by September 14, 1989, Finance Director Hanley noted. He further advised the bond issue would be on the market by September 6, 1989.

MOTION: To APPROVE the resolution as presented.

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

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	

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES
PLANNING ADVISORY BOARD

---ORDINANCE NO. 89-5887

ITEM 10

AN ORDINANCE REZONING PROPERTY AT 3777 NORTH TAMiami TRAIL, LOCATED ON THE EAST SIDE OF BELAIR LANE SOUTH OF PARK SHORE DRIVE, FROM A RESIDENTIAL PLANNED DEVELOPMENT AND A COMMERCIAL PLANNED DEVELOPMENT TO A MIXED USE PLANNED DEVELOPMENT TO ALLOW FOR TWO OFFICE BUILDINGS TOTTALLING 44,000 SQUARE FEET INCLUDING AN ELEVATED WALKWAY BETWEEN THE BUILDINGS AND THREE DRIVE-UP WINDOWS AND A THIRTEEN UNIT VILLA-TYPE RESIDENTIAL SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY AT THE PROPERTY OWNER'S REQUEST TO ALLOW FOR A MIXED USE DEVELOPMENT.

---RESOLUTION NO. 89-5888

A RESOLUTION APPROVING AN AMENDMENT TO TWO PREVIOUSLY-APPROVED DEVELOPMENT PLANS (BRENTWOOD DEVELOPMENT, PHASE II, ON U.S. 41 NORTH, AND BELAIR AT PARK WEST, ON BELAIR DRIVE) BY APPROVING A NEW PLANNED DEVELOPMENT FOR A LARGER PARCEL WHICH INCLUDES THESE SITES TO ALLOW FOR THE CONSTRUCTION OF TWO OFFICE BUILDINGS WITH SUPPORTIVE PARKING, AND A THIRTEEN UNIT, LUXURY RESIDENTIAL, VILLA-ESTATE DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

---RESOLUTION NO. 89-5889

A RESOLUTION APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR A PROPOSED SUBDIVISION TO BE KNOWN AS "MEWS OF BELAIR", LOCATED ONE LOT SOUTH OF PARK SHORE DRIVE, ON THE EAST SIDE OF BELAIR LANE; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:50 a.m.
Closed: 9:51 a.m.

Community Development Director McKim explained this request was to allow an amendment to a previously approved development and combine a third parcel to the project. The first two parcels are proposed for office development and the third for villa-type residential.

Referring to the landscaping requirements, Councilman Crawford asked staff to request the petitioner place mature plantings in the parking area to mask the lot. Mr. Graver, who had attended the Planning Advisory Board (PAB) meeting, advised the petitioner at those proceedings had agreed to such a stipulation and also to make sure the driveway was directly in line with that of Hidden Lakes for easier ingress and egress.

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

MOTION: To APPROVE the resolution as presented.

MOTION: To APPROVE the resolution as presented.

---ORDINANCE NO. 89-

ITEM 11

AN ORDINANCE ADOPTING UNIFIED DEVELOPMENT REGULATIONS FOR THE CITY OF NAPLES, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO COMPLY WITH STATUTORY REQUIREMENTS FOR THE CODIFICATION OF UNIFIED DEVELOPMENT REGULATIONS, WHICH INCLUDE CONE OF INFLUENCE - GROUNDWATER PROTECTION; MIXED USE OVERLAY DISTRICT; WATERFRONT DISTRICT; AND REVISED PLANNING PETITION FEES.

Title read by City Attorney Rynders.

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

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	

PUBLIC HEARING: Opened: 9:55 a.m.
Closed: 10:15 a.m.

After distributing a memorandum to Council dated August 2, 1989 (Attachment #2), Community Development Director McKim advised staff recommended Council continue this public hearing along with those delayed for 90 days to its second regular meeting in October. This will provide the public ample opportunity to address areas of concern at those public hearings, as well as give staff time to prepare a complete Code for submission to the State. While this delay puts the City past the State deadline of August 1, 1989, it would still be within the time constraint of the 120 days prior to action by the State Department of Community Affairs (DCA) for non-compliance.

Mayor Putzell noted that there has been some "loose" conversation by the public regarding this ordinance and its subsections. He urged each interested citizen to stop by or call City Hall and obtain a copy of those sections of concern prior to the public hearings.

Citizen J. Sandy Scatena recited an excerpt from a newspaper article wherein Planner II Fernandez was quoted as saying "would enable the City to better see the character of what the City is getting...", and asked for clarification. Mayor Putzell suggested Mr. Scatena meet with Planner II Fernandez after these proceedings for an interpretation.

Attorney Kim Kobza, representing several business owners in the proposed waterfront district, spoke at great length reiterating his clients' objections to the Comprehensive Plan and, most recently, to this waterfront district. He said he believed the language used in the Unified Development Regulations (UDC) to be vague. Councilman Crawford noted that the UDC could not be so specific to address every circumstance, otherwise, there would not be a need for a government body to interpret the Code. Mayor Putzell suggested that Mr. Kobza meet with the City Attorney to discuss his concerns further.

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			Y E S	N O	

have adequate representation at the previous meeting to appropriately address Council's concerns.

Discussion then ensued relative to reconsideration of this petition. Mr. Crawford said he would have been more sympathetic if new information had been supplied; however, since there has been no change to Council's original concerns, he would not support reconsideration.

Mr. Richardson said he believed the petitioner could develop that property without the need for two curb cuts along U.S. 41, and he, therefore, would not support this request.

Councilman Graver said he believed such an intense use inappropriate to the area and asked the City Attorney to address whether Council had the right to deny this request on the criteria upon which it did. City Attorney Rynders advised that Council can deny conditional use requests if the petitions do not meet all the criteria outlined in the Code. He further said he believed Council had addressed each criterion and had legitimate concerns and reasons for denial. Mr. Graver then concluded by stating he would not reconsider the petition without some substantial changes in its design. Councilman Anderson-McDonald concurred.

It was the consensus of Council, excepting Mr. Muenzer, not to reopen this petition for reconsideration.

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

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

---ORDINANCE NO. 89---

ITEM 13

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF NAPLES, FLORIDA, HOSPITAL REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT) IN A PRINCIPAL AMOUNT NOT EXCEEDING \$35,000,000 PURSUANT TO THE PROVISIONS OF PART II OF

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
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CHAPTER 159, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR THE LENDING OF THE PROCEEDS OF SAID BONDS TO NAPLES COMMUNITY HOSPITAL, INC., TO PAY THE COSTS OF A CAPITAL PROJECT FOR A HEALTH CARE FACILITY; APPROVING THE ISSUANCE OF THE BONDS, THE PLAN OF FINANCING AND THE LOCATIONS AND NATURE OF SUCH PROJECT; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. PURPOSE: TO ISSUE INDUSTRIAL REVENUE BONDS FOR NAPLES COMMUNITY HOSPITAL.

Title read by City Attorney Rynders.

City Manager Jones advised this request was to authorize the issuance of City of Naples, Florida, Hospital Revenue Bonds, similar to those issued in December, 1986.

In response to Councilman Crawford, City Attorney Rynders advised the City would not be obligated in any way should the hospital or their bond insurers responsible for this issue fail. In a worst case scenario, Attorney Rynders explained, the City could lose its superior credit rating, but could eventually recover from such an incident.

Citizen J. Sandy Scatena advised he was in favor of the ordinance; however, he expressed concern that the fee charged by the City was excessive. Since the hospital is of a community benefit, Mr. Scatena suggested the City waive its fee. He then asked if the Economic Development Council (EDC) would receive a portion of this fee as it did in 1986. City Manager Jones advised Council had determined during last fiscal year's budget hearings, it would not support the private organization EDC. During the budget hearing process, City membership in the EDC will be discussed once again, Mr. Jones noted.

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			Y E S	N O	
Anderson-McDonald		X	X		X
Barnett			X		
Crawford			X		
Graver	X		X		
Muenzer			X		
Richardson			X		
Putzell (6-0)			X		
Anderson-McDonald			X		X
Barnett			X		
Crawford			X		
Graver	X		X		
Muenzer			X		
Richardson		X	X		
Putzell (6-0)			X		

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

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

---RESOLUTION NO. 89-5890

ITEM 14

A RESOLUTION ESTABLISHING THE PEBSCO PLAN, AN ADDITIONAL DEFERRED COMPENSATION PLAN FOR THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised there would be no City contribution to this fund. The PEBSCO Plan provides a voluntary deferred compensation plan for City employees in addition to their City of Naples retirement fund.

MOTION: To APPROVE the resolution as presented.

CORRESPONDENCE AND COMMUNICATIONS:

City Manager Jones advised there was a storm in the Atlantic Ocean that had the potential of impacting South Florida sometime Sunday or Sunday evening.

Referring to the Legislative Update, Councilman Muenzer said there was an interesting article relating to parking violations. City Manager Jones advised that at the S.T.A.R. luncheon on August 4, 1989, Council would see a video of an actual team working on that same issue. The Dollars and Sense S.T.A.R. team has developed a problem statement regarding unpaid parking

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COUNCIL
MEMBERS

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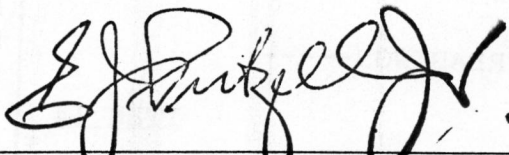
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violations and are now in the processing of solving that particular situation.

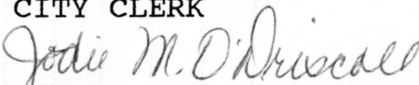
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EDWIN F. PUTZELL, JR., Mayor



JANET CASON
CITY CLERK



JODIE M. O'DRISCOLL
DEPUTY CLERK

These minutes of the Naples City Council were approved on 8/16/89.

SUPPLEMENTAL ATTENDANCE LIST

Kim Kobza
Cottie Morse
Linda Graham
Chrisse Menarich
Ron Bell
Sarah Sauer
J. Dudley Goodlette
Michael McComas
Darla M. Romfo

Joe Herms
Joe Cox
Stephen EreK
A.M. Papineau
Kit Strietzel
Suzzane Braddock
Lee Layne
Duke Turner

Bill Nebe
Bruce Graham
Jim Logie
Charles Andrews
Rev. Richard Mapes
William Crone
J. Sandy Scatena
Falconer Jones, Jr.

Other interested citizens and visitors.

NEWS MEDIA

Gina Binoule, Naples Daily News
Donna Howell, WEVU-TV



City of Naples

--- MEMO ---

To: Honorable Mayor and Members of City Council
From: City Manager Franklin C. Jones
Subject: Adoption of Unified Development Code
Date: August 2, 1989

As you know, we have been processing an ordinance adopting a Unified Development Code as required by the new Growth Management Act. At the outset, we knew that our time frames were very restrictive and had hoped that the state would delay our deadline of August for at least six months. When that didn't happen, we continued on our fairly short time line to meet the deadlines in the Growth Management Act.

At our last Council meeting we learned that there were several elements of the Unified Development Code that seem to require additional public discussion. As a result, we delayed a second reading on a number of the provisions for 90 days to be taken up at the second meeting in October. Since there now seems to be some interest in another element, and there is the potential for questions to come up on the balance of them, I would suggest that we delay today's second reading until the second meeting in October and allow us to extend to the public another opportunity to participate in this final adoption.

My real concern is that we need complete and absolute confidence in our growth management plan and the codes that implement that plan. I believe the City has done an excellent job in developing that plan and it would be extremely unfortunate for us to move ahead on any portion of the implementation without complete understanding on the part of the public.

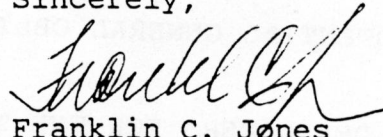
This extension to the second meeting in October puts us past our original deadline of compliance with the state Growth Management Act, but puts us well within the time frames

Mayor and Council
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established when that initial deadline is not met. We would have a maximum of 120 days before any action would be taken by the Department of Community Affairs, and during that time we have ample opportunity to provide them with our current time frames for adopting the Unified Development Code.

In the mean time, at our discussion during the workshop today, we could begin to outline our plan to carry the information concerning the implementation of our plan to the public.

Sincerely,


Franklin C. Jones
City Manager

FCJ/tan