



City of Naples

City Council Minutes

Regular Meeting 08/16/89

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS:</u>			
MAYOR PUTZELL: None.			1
CITY MANAGER JONES: None.			1
<u>APPROVAL OF MINUTES:</u> August 2, 1989, Regular Meeting			2
<u>PURCHASING:</u>			
-APPROVE purchase of utility refuse vehicle.		89-5891	2
-APPROVE amendment to Resolution No. 89-5755, auto purch.		89-5892	2
-APPROVE waive bids to repair Council Chamber roof.		89-_____	3
<u>RESOLUTIONS:</u>			
-APPROVE temporary trailer use at Moorings Country Club.		89-5894	3
-APPROVE dredge and fill request, 776 16th Ave. S.		89-5895	4
-APPROVE assessment roll for Avion Park Paving District.		89-5896	5
- <u>FAILED</u> conditional use to allow billards, lounge, rest-			
aurant, 301-499 Goodlette Road.		89-_____	7
- <u>CONTINUED</u> variance request, 245 Second Ave. N.		89-_____	10
-APPROVE variance for front yard setback, 336 Galleon Dr.		89-5898	10
-APPROVE Comprehensive Plan amendment, City annexation.		89-5899	12
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- <u>FAILED</u> conditional use reconsideration, Hampton Inn.		89-_____	22
-APPROVE application for CDBG funds to purchase land.		89-5902	26
-APPOINT Mohlke to Carver Finance, Inc.		89-5903	26
-APPOINT Baviello and Disney to Contractors Examining Bd.		89-5904	27
-APPOINT Raasch to East Naples Bay Special Taxing Dist.		89-5905	27
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-APPROVE schedule of fees for Tennis Complex, Cambier.		89-5907	28
-APPROVE issuance of change order #1, Inter-Bay Marine.		89-5908	28
-APPROVE Interlocal Agreement relative to beach renourish-			
ment program.		89-5909	29
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-ADOPT issuance of Naples Community Hospital bonds.		89-5897	5
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-PUBLIC HEARING Telesat.			31
-CABLEVISION INDUSTRIES, INC.			31
-Direct staff to talk to Palmer Cablevision regarding			
bulk service.			32
-APPROVE resolution objecting to offshore drilling.		89-5910	

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COUNCIL MEMBERS					

APPROVAL OF MINUTES

ITEM 4

August 2, 1989, Regular Meeting

PURCHASING

ITEM 5

---RESOLUTION NO. 89-5891

Item 5-a

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE UTILITY REFUSE VEHICLE FOR THE SOLID WASTE DIVISION OF THE UTILITIES DEPARTMENT, UNDER THE FLORIDA STATE-NEGOTIATED CONTRACT; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Cushman Motor Scooter Sales, Inc.
Ft. Lauderdale, Florida
\$7,665.00

Title not read.

Councilman Anderson-McDonald asked why bids were waived for this particular item. Purchasing Agent Unangst advised the Cushman Motor Scooter was a sole source item and only available through that distributor.

---RESOLUTION NO. 89-5892

Item 5-b

A RESOLUTION AMENDING RESOLUTION NO. 89-5755 AUTHORIZING THE PURCHASE OF VARIOUS AUTOMOBILES AND TRUCKS FOR THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Billy Grubbs Pontiac-GMC, Inc.
Daytona Beach, Florida
\$44,780.70

Title not read.

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			Y E S	N O	
Anderson-McDonald			X		
Barnett	X		X		
Crawford			X		
Graver		X	X		
Muenzer			X		
Richardson			X		
Putzell			X		
(7-0)					

Item 5-c

AUTHORIZATION TO WAIVE COMPETITIVE BIDDING AND ISSUE A PURCHASE ORDER FOR REPAIR OF THE CITY COUNCIL CHAMBER ROOF.

Title not read.

In response to Mr. Crawford, Assistant City Manager Wiltsie advised staff had anticipated receiving the final bid estimates late this afternoon and would report its recommendations to Council at that time.

---RESOLUTION NO. 89-5894

ITEM 6

A RESOLUTION AUTHORIZING THE MOORINGS COUNTRY CLUB TO PLACE A TEMPORARY TRAILER AT THE MOORINGS COUNTRY CLUB TO BE USED AS A TEMPORARY OFFICE FOR THREE MONTHS DURING EXTENSIVE INTERIOR RENOVATIONS; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

Councilman Crawford expressed concern that the trailer would be unsightly and asked staff to make sure it would be properly masked. Community Development Director McKim noted that the trailer would be on-site for only 2 1/2 to 3 months, until the renovations were completed.

MOTION: To APPROVE the Consent Agenda as presented.

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

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

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---RESOLUTION NO. 89-5895

ITEM 7

A RESOLUTION AUTHORIZING A DREDGE AND FILL REQUEST FOR THE CONSTRUCTION OF A REVETMENT IN FRONT OF AN EXISTING WOOD BULKHEAD AT 776 16TH AVENUE, SOUTH, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:09 a.m.
Closed: 9:13 a.m.

Natural Resources Manager Staiger noted the petitioner's property was a unique shape as displayed in the packet material. He further pointed out that should any portion of the existing seawall fail, the petitioner would lose a large section of his property. The rock revetment in front of the entire length of the existing bulkhead will help protect the property.

Mr. Peter Lehmann of W.J. Johnson and Associates, Inc., representing the petitioner, advised he was available to address any questions.

Referring to the existing wood bulkhead, Councilman Crawford asked if the wood deteriorated and collapsed, how it would be repaired. Dr. Staiger explained the petitioner could excavate behind the revetment and replace fill once construction was complete. Mr. Lehmann further pointed out that the State Department of Environmental Regulation (DER) said this would be a tremendous ecological benefit to the area.

MOTION: To APPROVE the resolution as presented.

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Anderson-
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Barnett
Crawford
Graver
Muenzer
Richardson
Putzell

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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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Anderson-McDonald				X	
Barnett			X	X	
Crawford				X	
Graver	X			X	
Muenzer				X	
Richardson				X	
Putzell				X	
(7-0)					

---RESOLUTION NO. 89-5896

ITEM 8

A RESOLUTION CONFIRMING RESOLUTION 89-5760 AND THE ASSESSMENT ROLL, ADOPTED MARCH 1, 1989, FOR THE AVION PARK ASSESSMENT DISTRICT; ESTABLISHING AN INTEREST RATE OF 10 PERCENT AND A TERM OF PAYMENT NOT TO EXCEED FIVE YEARS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

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

City Engineer Gronvold advised the only change to the assessment roll was in Block B, Lot 8, which has a total frontage of 91 feet; however, only .48 feet of that amount can be paved. In response to Councilman Crawford, Mr. Gronvold noted that the interest rate was established during this public hearing so property assessments could be set.

Councilman Graver expressed concern that when this area was required to install sanitary sewer systems, the paving would be destroyed. City Engineer Gronvold pointed out that the residents of this district were well aware of that fact, but still wanted to proceed with the assessments for paving.

MOTION: To APPROVE the resolution as presented.

---ORDINANCE NO. 89-5897

ITEM 9

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 CHAPTER 159, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR THE LENDING OF THE PROCEEDS OF SAID BONDS TO NAPLES COMMUNITY HOSPITAL, INC., TO PAY THE

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Anderson- McDonald	X		X		
Barnett			X		
Crawford			X		
Graver			X		
Muenzer			X		
Richardson		X	X		
Putzell			X		
(7-0)					

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---RESOLUTION NO. 89---

ITEM 10

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A COCKTAIL LOUNGE/RESTAURANT WITH BILLIARDS, POCKET BILLIARDS, ELECTRONIC GAMES, FOOD, BEER AND WINE SALES AT 301-499 GOODLETTE FRANK ROAD, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised the petitioner was requesting a conditional use permit to allow a cocktail lounge/restaurant with billiards, electrical games, food, beer and wine sales. Staff has recommended approval based on a six-month probation period, no alcoholic beverages sold for consumption outside the billiard center, and a prominently placed sign which conveys the illegality of removal of any alcoholic beverage from the premises. The Planning Advisory Board (PAB) concurred with staff's findings increasing the six-month probation period to one year.

Mayor Putzell said that the type of businesses which are attracted to this area might create a burdensome increase in traffic and noise. Mrs. McKim said staff was uneasy about the prospect of possible congregation in the parking lot due to the sale of alcoholic beverages; however, such action could be policed.

Councilman Graver asked if staff had visited the petitioner's current place of business, and if so, was it satisfied with its appearance and operation. Mrs. McKim noted staff did go on-site and has received an accounting of incidents on that property by the petitioner and was satisfied with its findings. Mr. Graver said he was uncomfortable with the fact that alcoholic beverages would be served around minors.

Mr. Lynn Mitchell of 406C Mariners Cove spoke in opposition to the proposal and said he did not

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believe this use consistent with a shopping mall facility.

Mr. R. B. Tucker of 307 Goodlette Road, Mariners Cove, President of Mariners Cove Condominium Association, said that over 60% of his membership was opposed to the proposed use and urged Council to deny the request. He then cited an article from the Naples Daily News which indicated that the intersection of U.S. 41 and Goodlette Road was one of the most dangerous in Collier County, and he again urged Council to deny a potential hazard to an already existing traffic problem.

Ms. Lisa Paris of 2972 Estey Avenue supported the request and said she frequents this type of establishment for the relaxation of a quiet game of pool. She continued that most of the individuals who patronize the petitioners' establishment are serious about the game of pool and not there to get drunk. In response to Mayor Putzell, Ms. Paris advised this location would be just as convenient as the current one, however, the new establishment would provide a private room for pool lessons which appealed to her.

Mr. Ivan Dusguis of 433 Third Avenue South, permanent residence Canada, spoke in favor of the resolution and urged Council to consider approval inasmuch as this was a family oriented entertainment center.

Mr. Michael A. Haslam of 2147 Washington Avenue concurred with previous remarks in favor of the resolution.

Mr. Marty Dennis of Golden Gate Estates also supported the request and said he would be quite comfortable enrolling his ten year old son in a Juniors League at this new establishment.

Councilman Barnett asked if the pool area and the lounge were separate rooms. Community Development Director McKim said she did not believe so, the pool tables surround the lounge which is in the center of the establishment. In response to Mr. Barnett, Mrs. McKim said this type of activity was

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similar to that of the bowling alley where beer and wine was served around minors.

The petitioners, Arthur and Karyn Smith, of 10025 Eighth Street North, Naples Park, responded to Mr. Muenzer's concerns about law enforcement problems relative to this type activity. Since this business has been opened, he said, the incidents have been negligible.

Referring to the petitioners' present location, Councilman Crawford asked why it was desirable to move the business. Mr. Smith explained that many of his patrons were City residents who have asked the petitioners' to provide the same service closer to their homes. He further advised the present location could not expand and with the additional services proposed would not be adequate.

Councilman Barnett moved in favor of the resolution with the stipulation that a six-month probation period would be in effect. Mr. Muenzer seconded the motion.

MOTION: To APPROVE the resolution with the stipulation that a six-month probation period would be in effect.

Mrs. Anderson-McDonald said that based upon the six-month probation period, she would support the resolution.

Councilman Crawford said he could not, with clear conscious, approve such a request as he did not believe children should be subjected to a lounge/package liquor sale atmosphere. He further noted the hours and type of business were not compatible to adjacent residential areas and were strongly objected to by residents of the area.

Mr. Graver concurred and added that he did not believe it appropriate to create a possible trend in activity which might lead to a later night life in that area.

Mayor Putzell said he was concerned about the cumulative effects and would therefore vote no.

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(This resolution failed by a vote of 3-4)

---RESOLUTION NO. 89-

ITEM 11

A RESOLUTION GRANTING A VARIANCE FROM SECTION 5.3 F(2) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH REQUIRES A MINIMUM SIDE YARD SETBACK OF 7.5 FEET, IN ORDER TO PERMIT AN EXISTING ONE STORY HOME TO ENCROACH INTO THE SETBACK AT 245 SECOND AVENUE NORTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised the petitioner has requested this item be continued until Council's next regular meeting, September 6, 1989.

---RESOLUTION NO. 89-5898

ITEM 12

A RESOLUTION GRANTING A VARIANCE FROM SECTION 5.2 F(4) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH REQUIRES A MINIMUM FRONT YARD OF 35 FEET, IN ORDER TO CONSTRUCT AN ADDITION WHICH WOULD ENCROACH 3.2 FEET AT 336 GALLEON DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised this request was for a variance from the front yard setback line to construct an addition that would encroach approximately 3.2 feet. Both the Planning Advisory Board (PAB) and staff have recommended approval.

Councilman Crawford asked how this violation progressed so far before staff stopped

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construction. Mrs. McKim advised that at the time those plans were submitted to the Planning Department, staff "redlined" a portion of the plans and only issued a building permit for that area not so indicated. The contractor was made aware of the area in question when he picked up the plans. At the time of inspection, it appeared that the contractor was proceeding with that portion "redlined" without approval.

Referring to previous owners of this property, Mayor Putzell pointed out that the house was under renovation but the owners stopped midstream and the house sat for about one year. The new owners have tried to continue renovation, he said, using the same footprint. Mrs. McKim noted that the contractor had used the same footprint on the existing structure; however, the section in question was an addition.

Mrs. Rennie Martinuzzi of 465 Broad Avenue South advised she was the homeowner/contractor. Mayor Putzell asked if the petitioner was aware that staff had "redlined" a portion of this project. Mrs. Martinuzzi said that she was not until the inspector came and stopped construction.

In response to Mayor Putzell, Mrs. McKim said staff and PAB had reviewed the criteria for a variance on the basis that nothing had been constructed and recommended approval. The petitioner has experienced a hardship because of the location of existing buildings and lack of alternatives for the master bedroom bath suite.

Councilman Graver expressed concern that this sort of incident could happen when plans are redlined and then completely disregarded. There is no recourse against the builder, he said, only the petitioner.

Referring to construction in the unapproved area, Mr. Crawford said he wondered if something could be done to prevent contractors from ignoring City policy by continuing with construction when areas have been "redlined". Councilman Barnett said it was between the contractor and petitioner, with the latter catching the brunt of the problem.

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Anderson-McDonald			X		
Barnett	X		X		
Crawford				X	
Graver			X		
Muenzer			X		
Richardson		X	X		
Putzell			X		
(6-1)					

MOTION: To APPROVE the resolution as presented.

Councilman Anderson-McDonald said that she would support the resolution only because there was no advantage to disallowing it; however, she strongly was opposed to a contractor ignoring City policy and proceeding with construction. Mr. Barnett concurred.

Mr. Crawford said that he could not support the resolution and would vote no.

Referring to Mrs. Anderson-McDonald's comments, Mr. Graver concurred and said he wished there was some way to penalize the builder instead of the property owners in such cases.

Mayor Putzell directed the City Manager to come up with a recommendation at the next workshop meeting addressing this same issue. He asked for some disciplinary action that could be taken against builders or contractors who knowingly violate the position of City staff.

---RESOLUTION NO. 89-5899

ITEM 13

A RESOLUTION TRANSMITTING TO THE STATE OF FLORIDA PROPOSED AMENDMENTS SUBMITTED BY THE CITY OF NAPLES TO THE COMPREHENSIVE PLAN FOR THE CITY OF NAPLES, AS REQUIRED BY THE STATE OF FLORIDA GROWTH MANAGEMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:14 a.m.
Closed: 10:32 a.m.

Community Development Director McKim reviewed the Comprehensive Plan amendment procedure established by the State Department of Community Affairs (DCA). The City is allowed to initiate two Comprehensive Plan amendments each year, which can include more than one change. It is then

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submitted to the State as one package for its review. She continued that this public hearing was to obtain City Council approval to transmit these amendments to the State.

This particular amendment, Mrs. McKim continued involves minor changes in text, graphic, and numerical data relative to annexation to accurately reflect changes in land use, population, and housing which have occurred as a result of the same.

Mrs. McKim further advised that Attorney Bruce Anderson had recommended some language be inserted on page 19 of the Future Land Use Element at the end of the first paragraph on Section C, herein included as Attachment #2. This section addresses a change in nonconformity petitions and provides staff some flexibility in the approval process to allow for more density in some cases than permitted in the Comprehensive Plan. In response to Councilman Graver, Mrs. McKim advised there was still criteria which must be met before approval could be granted for such requests.

At the request of Council, Attorney Anderson reviewed the proposed language and concurred with it. City Attorney Rynders pointed out that this verbiage would permit approval for those nonconformities disallowed under the existing Comprehensive Plan. In response to Mr. Graver, Mrs. McKim noted that a Comprehensive Plan amendment would not be necessary each time a request was submitted.

Mrs. Anderson-McDonald asked if, on page 19 of the Introduction, Table A3, total population figures, should be added instead of subtracted. Mrs. McKim said that she would check into that further and make the necessary corrections.

MOTION: To APPROVE the resolution as amended, including language as contained in Attachment #2 relating to the Future Land Use Element and an addition error located on Page 19 of the Introduction.

Council then discussed Item 16.

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---RESOLUTION NO. 89-5900

ITEM 16

A RESOLUTION TRANSMITTING TO THE STATE OF FLORIDA PROPOSED AMENDMENTS SUBMITTED BY JEFF JACOBSON, TRUSTEE/AGENT TO THE COMPREHENSIVE PLAN FOR THE CITY OF NAPLES, AS REQUIRED BY THE STATE OF FLORIDA GROWTH MANAGEMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:33 a.m.
Closed: 11:13 a.m.

Community Development Director McKim advised this request was to amend the Comprehensive Plan to allow for an increase of commercial use on the site. Both the staff and Planning Advisory Board (PAB) have conceptually approved the plan, but have been noncommittal relative to exact numbers and intensities of use. Staff then recommended Council approve this request of transmittal to the State for its review and comment, thereby allowing staff to conduct further analysis relative to the appropriate intensity of use prior to first reading of the ordinance adopting this change.

Attorney George Vega, representing the petitioner, asked to address the issue of debt owing resultant from a previous lawsuit regarding this property. An undetermined amount for court costs is owed by the petitioner, he said, and could be placed in escrow until such time as an exact amount has been handed down from the courts. Mr. Vega asked that these two issues, Comprehensive Plan amendment and debt owing, not be considered together. City Attorney Rynders said he did not believe it necessary to put any amount in escrow as the property itself was collateral for the debt owed. Discussion then ensued relative to whether approval should be delayed until such time as payment of the debt has been made. Mrs. McKim noted that staff anticipated receiving the State's comments sometime in November.

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Petitioner Jeff Jacobson of 1300 Third Street South briefly reviewed the concept of this design which incorporates commercial office buildings with multi-family residential uses. The entry points to the property have been placed so that the least amount of impact upon traffic would be experienced, he said.

Mr. J. Sandy Scatena of 2990 Binnacle Drive strongly objected to the proposal. He suggested the property would be more suited to house affordable living units for the elderly as this location was convenient to the mall, grocery store, and other amenities. There currently are many vacant offices, strip malls, etc., which are in locations more suited for the proposed use, Mr. Scatena said.

In response to Councilman Crawford, Mrs. McKim explained the property's land use could change but only by providing more multi-family or transitional type use, not by increasing commercial uses. Staff pointed out that this request was merely setting the maximums which could be allowed, and was in no way approving the project carte blanche. Councilman Crawford still expressed reservations that the City might be committing itself to those maximums. Mrs. McKim said for purposes of State review she was comfortable that these figures were on the high side and noted that they could be scaled down prior to first reading.

Mrs. Anderson-McDonald moved to approve the resolution with the addition that prior to first reading of the ordinance the debt owing should be paid otherwise no consideration of the request would be received by Council. Mr. Richardson seconded the motion.

MOTION: To APPROVE the resolution with the stipulation that prior to first reading of the ordinance adopting this Comprehensive Plan amendment, all court costs would be paid in full or the request would not be considered by City Council.

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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Anderson-McDonald		X	X		
Barnett			X		
Crawford			X		
Graver					X
Muenzer			X		
Richardson		X	X		
Putzell			X		
(6-1)					

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Councilman Graver said that while he believed the concept was a step in the right direction, if approved it would give the petitioner increased property value. He said that he still believed the City should obtain ownership of the property.

Mayor Putzell said that he also believed the City should be heavily involved with this site, and he did not believe that approval of this resolution would prohibit such activity.

Council then proceeded with the published agenda and returned to Item 14.

RECESS: 11:15 A.M. UNTIL 11:20 A.M.

Administrative Assistant Norman replaced Deputy Clerk O'Driscoll for the remainder of the meeting.

---RESOLUTION NO. 89-

ITEM 14

A RESOLUTION TRANSMITTING TO THE STATE OF FLORIDA PROPOSED AMENDMENTS SUBMITTED BY PEVELY DAIRY COMPANY TO THE COMPREHENSIVE PLAN FOR THE CITY OF NAPLES, AS REQUIRED BY THE STATE OF FLORIDA GROWTH MANAGEMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

PUBLIC HEARING: Opened:
Closed:

City Manager Jones advised staff was in receipt of a letter from the petitioner asking that this item be withdrawn from the agenda.

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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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---RESOLUTION NO. 89-5901

ITEM 15

A RESOLUTION TRANSMITTING TO THE STATE OF FLORIDA PROPOSED AMENDMENTS SUBMITTED BY THE NAPLES DAILY NEWS TO THE COMPREHENSIVE PLAN FOR THE CITY OF NAPLES, AS REQUIRED BY THE STATE OF FLORIDA GROWTH MANAGEMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Manager Jones.

PUBLIC HEARING: Opened: 11:26 a.m.
Closed: 12:05 p.m.

Community Development Director McKim advised this amendment would change the Future Land Use map. The Naples Daily News has requested that approximately five acres of a nine acre site be changed from multi-family to industrial which would enable the newspaper to expand its current facility. While the newspaper initially expects to utilize only a 1.4 acre portion of the property, it anticipates the need for the remainder within the next 25 years, she said. The Planning Advisory Board (PAB) recommended approval, but it still believed there were other alternatives available to the petitioner.

Mr. Corbin Wyant, publisher of the Naples Daily News, said he believed no other institution in the City more enthusiastically supported the concept of low to moderate income housing than his firm. However, his company was in dire need of space to expand their facilities. Mr. Wyant continued that his firm purchased approximately 1.4 acres in early 1980 and has been negotiating for an additional 2.8 acres for future expansion into the year 2015.

Councilman Graver asked if once the plant had expanded to its full usage on the property, would it then consider moving its operation into the County. Mr. Wyant said that possibly some satellite offices would be established but the major portion of the firm would always be located at its present site. Councilman Crawford asked

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why Mr. Wyant believed the current location to be viable. In response, Publisher Wyant explained that if the newspaper had to move its location, it would be at a tremendous cost, approximately \$40-million, as the operation would have to be duplicated and obsolete equipment eliminated.

Mr. John Steinwand, representing Affordable Housing, Inc., of Southwest Florida, advised his group was opposed to this amendment as it would reduce the total acreage designated for low to moderate income housing. The City's Comprehensive Plan has indicated a need for affordable housing and has identified this area for such use. The location is perfect for this use as the neighborhood provides support services for lower income families, he said.

Mr. Hubert Howard, a member of the Board of Directors for Affordable Housing, Inc., of Southwest Florida, spoke in opposition to the resolution and asked Council to consider purchasing the property for sale at a future date to a developer willing to construct low to moderate income housing units.

In response to Mr. Graver, Councilman Muenzer advised the development on Pine Ridge Road called Summerwinds had dedicated a certain percentage of units for affordable housing and was thereby given a small grant from the Federal government. Mrs. McKim pointed out that the City could purchase property with its Community Development Block Grant (CDBG) funds for affordable housing purposes.

Mr. Herb Cambridge, representing the National Association for the Advancement of Colored People (NAACP), advised his group was opposed to the petitioner's request. While the River Park/George Washington Carver area was accustomed to the Naples Daily News and other industrial uses, it believed that the City should fulfill its obligation as stated in the Comprehensive Plan and maintain this property for affordable housing uses. Once other property has been located for affordable housing, the NAACP would then support the Naples Daily News' request.

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Mr. Willie Anthony of 559 14th Street, North concurred with Mr. Cambridge's statements and further advised that City staff and the Council had thoroughly discussed the issue of affordable housing, and after careful deliberation, then decided this parcel of property would be appropriate for such use. He asked Council to deny this request in its entirety.

Mr. Chuck Mohlke, Board Member of Carver Finance, Inc., spoke in favor of the City implementing an affordable housing plan prior to the end of this calendar year or early 1990. He, however, did not address his position relative to the matter at hand, as pointed out by Mayor Putzell. Mr. Mohlke said that relative to that issue, he would concur with Messrs. Cambridge and Anthony's remarks.

Mrs. Anderson-McDonald said that she did not believe Council had adequate information to make an equitable decision relative to this request. Councilman Anderson-McDonald, therefore, moved to table this item until such time as it could be discussed at a workshop session with staff's input regarding appropriate offsetting measures. Councilman Barnett seconded the motion.

Referring to the motion at hand, Community Development Director McKim pointed out that if this item was tabled, it would be removed from the group of amendments to be sent to the State Department of Community Affairs (DCA) and could not be considered until the next time an amendment to the Comprehensive Plan was allowed, sometime in January, 1990. City Manager Jones added that the request today would be sent to the DCA for their review of the proposed amendment. It in no way obligated the City to approve this request as presented. Mr. Jones further advised that it might behoove the City to have the DCA's comments relative to this request in hand prior to final consideration of the request.

Discussion then ensued relative to submission of this document to the DCA. City Manager Jones suggested the resolution be approved with the condition that replacement sites for affordable

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housing developments would be found. Mrs. McKim noted that DCA would want an accounting of potential sites which staff could prepare in the interim.

In response to Councilman Graver, Mrs. McKim noted that the only use available to the property without this amendment would be affordable housing, multi-family residential. Mr. Graver then asked Mr. Wyant of the Naples Daily News if six acres of the site was designated for affordable housing, could his expansion needs be met with the remaining three acres. Mr. Wyant emphatically said those needs could not be met. At a minimum, the newspaper needs approximately 4.2 acres for its immediate expansion and future projections.

Mayor Putzell recommended Council accept City Manager Jones' suggestion relative to sending this request to DCA subject to finding alternate affordable housing sites. The DCA should be made aware of a specific time frame with which the City would submit those alternatives for its review.

Councilman Barnett said he was very troubled that the Comprehensive Plan states affordable housing sites should be compatible with surrounding areas, and he said that he was unaware of any other sites in the City which were compatible. Mayor Putzell pointed out that if the City could not find alternate sites, it would have no choice but to deny this request.

Referring to alternate sites for affordable housing units, Councilman Muenzer said he believed 51 acres on the corner of Goodlette Road and Golden Gate Parkway, recently annexed into the City, would be appropriate for this type of housing. Currently, the zoning designations in that area include 25 acres of highway commercial and approximately 26 acres of residential. He contended that if out of that entire area 28 acres were designated for affordable housing, the net result would be approximately 380 units for low to moderate income housing. Mayor Putzell politely interrupted and advised that this type of "brainstorming" was needed to locate alternate

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Anderson-McDonald					
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Muenzer					
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sites, but was not appropriate for discussion at these proceedings. He urged Councilman Muenzer to meet with staff and discuss his ideas further.

After a brief discussion relative to the delay tabling this item would cause, Mrs. Anderson-McDonald withdrew her motion and said it was not her intent to put the final consideration of this request off for several months. She, however, still maintained that Council needed more information relative to potential affordable housing sites in the City prior to its consideration of this request. Councilman Anderson-McDonald then moved to approve the resolution subject to finding alternative affordable housing sites. Mr. Richardson seconded the motion.

Councilman Richardson said he believed some type of mechanism should be put in place to locate appropriate sites and urged staff to pursue such action.

Mayor Putzell reiterated Council's position that it did not want to "slow down" the amendment process, but it still had an obligation to provide such housing sites for the welfare of the community. Publisher Wyant contended that any time delay in this request would not be in the best interest of the newspaper and could essentially hurt the projected expansion as ordered by the parent company, Scripps Howard. City Manager Jones pointed out that this was not a time delay, but was the necessary 90-day processing period by which the State reviews this request and makes its recommendations. Council then would consider this request at a first and second reading.

MOTION: To APPROVE the resolution for transmittal to the DCA for comment with the advice that the staff and City government recognizes its obligation under the Comprehensive Plan with respect to affordable housing and is studying alternative sites to implement such obligation.

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---RESOLUTION NO. 89---

ITEM 17

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A FOUR STORY, 114 ROOM MOTEL, IN THE "HC", HIGHWAY COMMERCIAL, ZONING DISTRICT ON A 2.16 ACRE SITE ON THE EAST SIDE OF U.S. 41 APPROXIMATELY 215 FEET SOUTH OF ITS INTERSECTION WITH HIGH POINT DRIVE, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

City Manager Jones advised that the issue of reconsideration for this request must first be addressed prior to any discussion relative to the resolution.

Councilman Muenzer moved to reconsider this request based on the additional information provided by the petitioner and changes to reduce density in the site plan. Mr. Graver seconded the motion because the petitioner had provided such amendments.

Attorney Darla M. Romfo of Forsyth, Swalm & Brugger, P.A., representing the petitioner, reviewed those amendments submitted with the revised site plan, in particular: reducing the number of units from 122 to 114; eliminating eight parking spaces; adding approximately nine feet to the building's front setback; and increased landscaping around the perimeter of the building. The petitioner has also provided a traffic analysis of the impact this establishment might have upon U.S. 41. The firm of McAnly & Associates, Inc., have determined that because of the controlled method of ingress and egress to the project, there should be virtually no impact upon the level of service on U.S. 41.

Mr. Stephen Erek of Bruce Green & Associates, also representing the petitioner, advised he was available to answer any questions. In response to Councilman Graver, Mr. Erek explained the petitioner had reduced the number of rooms from

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request is turned down, the petitioner could construct between three and four office buildings without obtaining permission from Council or the Planning Advisory Board (PAB), he said.

Mayor Putzell said that Council was concerned with the amount of density proposed for this site regardless of the use.

Mr. Bill McAnly of 5101 East Tamiami Trail, traffic engineer representing the petitioner, addressed the potential impact upon traffic at this location. This section of U.S. 41, he said, has a level of service "A" even though the remainder of U.S. 41 has a level of service "C". He then showed a map delineating the proposed curb cuts and explained why he did not believe this site could be serviced with one curb cut.

Ms. Peggy Huckaby, Regional Director of Development in the southeast region of the United States, explained the type of operation found at a Hampton Inn. These hotels do not offer the type of amenities found at mid-scale facilities. This Inn would be strictly used for sleeping purposes, she said.

Councilman Crawford referred to density requirements in the County for this type use which would only allow approximately 16 units per acre. He further noted that this development could not be constructed in the County and wondered whether the City's requirements were lax relative to this particular use.

In response to Councilman Graver, Mrs. Huckaby noted that these Inns were constructed wherever the market showed a need, at highway interchanges or in cities. This particular market area indicated that there was not enough demand for the facility off of I-75, she said.

Mayor Putzell asked for Council's reaction to the possible reconsideration of this matter. Councilman Graver said that he would support reconsideration inasmuch as the petitioner had submitted some compromise in the amount of density required. Mrs. Anderson-McDonald, Messrs. Barnett

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and Muenzer also supported reconsideration. Councilmen Richardson and Crawford did not support it. Mayor Putzell noted that four of the seven members agreed to reconsider the request and advised that the Chair would now entertain a motion.

Councilman Muenzer moved to approve the request as amended. Mr. Barnett seconded the motion so that a vote could be taken.

Prior to the roll call, Councilman Crawford cited density amounts for the Comfort Inn, 10.5 rooms per floor per acre; the Inn of Naples, 8 rooms per floor per acre; and the proposed Hampton Inn, 12.7 rooms per floor per acre. He said that this amount of density was unacceptable, and he could not support the request.

Mr. Muenzer reiterated previous comments that the Inn of Naples provides amenities not found at the Comfort Inn or Hampton Inn which accounts for its low density figure. He continued by saying that he believed Naples needed an affordable hotel and said this Inn would be at the upper end of the economy scale; therefore, he would support the petition.

MOTION: To APPROVE the resolution as presented.

Mrs. Anderson-McDonald said based on the fact that the trip generations would be less than a hotel with amenities such as restaurant/lounge, and the concessions which the petitioner has made relative to increased landscaping, she would vote in favor of the resolution.

Councilman Barnett said that the petitioner was directed to come back with a compromise. While he was not completely satisfied with the one at hand, he would vote yes as the petitioner has made some concessions relative to density and landscaping.

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell

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---RESOLUTION NO. 89-5902

ITEM 18

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN THE AMOUNT OF \$122,000.00 TO PURCHASE A SITE DESIGNATED BY THE COMPREHENSIVE PLAN FOR AFFORDABLE HOUSING; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised this was just part of the City's effort to provide sites for affordable housing developments by forecasting use of Community Development Block Grant (CDBG) funds to purchase land. Mayor Putzell asked if staff found a more appropriate site, could it still utilize those funds. Mr. Jones noted that it could, although the grant would have to be amended.

MOTION: To APPROVE the resolution as presented.

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell

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(7-0)

ITEM 19

---RESOLUTION NO. 89-5903

ITEM 19-a

A RESOLUTION REAPPOINTING GEORGE C. MOHLKE TO CARVER FINANCE, INC.; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To APPROVE the resolution as presented.

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Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
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Putzell

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(7-0)

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Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell			X X X X X X X		
(7-0)					
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell	X		X X X X X X X		
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Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell		X	X X X X X X X		
(7-0)					
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell		X	X X X X X X X		
(7-0)					

---RESOLUTION NO. 89-5904

ITEM 19-b

A RESOLUTION REAPPOINTING MICHAEL BAVIELLO AND APPOINTING ONE OTHER MEMBER TO THE CONTRACTORS EXAMINING BOARD TO FILL THE UNEXPIRED TERM OF DAVID MOYER; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To APPROVE the resolution as presented and APPOINTING Dalas Disney to the Board.

---RESOLUTION NO. 89-5905

ITEM 19-c

A RESOLUTION REAPPOINTING HARVEY A. RAASCH TO THE EAST NAPLES BAY SPECIAL TAXING DISTRICT ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 89-5906

ITEM 19-d

A RESOLUTION REAPPOINTING CHARLES F. SPIRO TO THE MOORINGS BAY SYSTEM SPECIAL TAXING DISTRICT ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To APPROVE the resolution as presented.

(7-0)

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---RESOLUTION NO. 89-5907

ITEM 20

A RESOLUTION ADOPTING A SCHEDULE OF FEES TO BE CHARGED AT THE CAMBIER TENNIS COMPLEX, PURSUANT TO SECTION 16-21 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Services Director Holley advised that approximately every five years it was necessary for his department to request an increase in tennis fees resulting from higher salaries and expenses associated therein. Staff had surveyed other cities with similar facilities and found that the City of Naples' fees were among the lowest.

In response to Councilman Crawford, Mr. Holley advised the last fee increase did not affect membership enrollment rates.

Mr. Graver suggested staff notify the membership and advise them of the reason for this increase. Community Services Director Holley advised he would include such information in the tennis newsletter sent to all members.

MOTION: To APPROVE the resolution as presented.

Anderson-
McDonald
Barnett
Crawford
Graver
Muenzer
Richardson
Putzell
(7-0)

X
X
X
X
X
X
X

---RESOLUTION NO. 89-5908

ITEM 21

A RESOLUTION AUTHORIZING THE ISSUANCE OF CHANGE ORDER NO. 1 TO INTER-BAY MARINE CONSTRUCTION COMPANY IN THE AMOUNT OF \$49,250.00 IN CONJUNCTION WITH THE FISHING PIER REPAIR AND REPLACEMENT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Services Director Holley advised that when this project originally was bid, staff

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anticipated additional monies would be needed to replace portions of the Pier which were in disrepair from natural deterioration, not from Tropical Storm Keith. This should be the only change order to the contract, he said.

Mayor Putzell asked where funds for this project would come from. Mr. Holley noted that approximately \$32,000 was budgeted in the Capital Improvement Program (CIP) for this repair, and the remaining funds needed would have to come from CIP reserves.

Councilman Crawford noted that the resolution did not include all four items listed in the change order which require repair. He suggested that the resolution be amended to include those items. Also, the amount of the entire contract should be \$470,378.00, not \$460,378.00 as stated in the resolution.

City Manager Jones pointed out that the contract time should be amended on the change order to increase the actual contract time by fifteen days making the completion date September 20, 1989.

MOTION: To APPROVE the resolution correcting the total contract amount and adding all the items to be included in the change order on the resolution.

---RESOLUTION NO. 89-5909

ITEM 22

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY IN CONJUNCTION WITH THE BEACH NOURISHMENT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised this Interlocal Agreement was discussed at the August 2, 1989, workshop meeting, and the purpose of this resolution was to provide financial support to the

COUNCIL MEMBERS	M O T I O N	S E C T I O N	VOTE		A B S E N T
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Anderson-McDonald			X		
Barnett	X		X		
Crawford			X		
Graver			X		
Muenzer			X		
Richardson		X	X		
Putzell			X		
7-0)					

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County so that it could conclude engineering costs relative to the beach renourishment project. Staff has recommended that monies for this project come from the beach parking revenue fund.

Mayor Putzell noted that the Agreement did not reference progress reports and said he had difficulty approving the issuance of \$100,000 to the County without any guarantee that the City would be involved in the progress of this project. Currently, citizens pay ad valorem taxes which are utilized for such programs, he said, and if the City provides additional revenue, it should also be involved in making some of the decisions relative to this program.

Councilman Graver further noted that Dr. Jon Staiger, Natural Resources Manager, was preparing a memorandum to Council which would bring it up-to-speed on the Beach Renourishment Committee's efforts thus far. Currently, the Committee anticipates using a portion of the revenue received from the additional one cent sales tax to fund this program.

Referring to the Interlocal Agreement, City Manager Jones recommended that an additional paragraph be inserted which would request copies of progress reports be provided to the City.

Councilman Richardson said he supported the project, but pointed out in the second recital of the resolution that it states funds for this project would be generated through a County-wide tax levy; this is not true, he contended. Mr. Jones said that staff understood this contract was to provide contributions from the City as well as receive grant money from the State. He further noted that the resolution could be amended to reflect that.

In response to Councilman Crawford, Mr. Jones explained that funds for this program would be obtained through the beach parking program.

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Anderson-McDonald	X		X		
Barnett			X		
Crawford			X		
Graver			X		
Muenzer			X		
Richardson		X	X		
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(7-0)					

MOTION: To APPROVE the resolution amending the second recital indicating the appropriate mode of funding and by adding paragraph four to the contract which would require progress reports be provided to the City on a regular basis.

*** *** ***

ITEM 23

PUBLIC HEARING TO CONSIDER A REQUEST FROM TELESAT CABLEVISION, INC., FOR A COMMUNITY ANTENNA TELEVISION SYSTEM (CABLE TELEVISION SYSTEM) FRANCHISE TO PROVIDE SERVICE IN THE CITY OF NAPLES.

PUBLIC HEARING: Opened:
Closed:

This item was withdrawn from the agenda.

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ITEM 24

DISCUSSION/ACTION CONCERNING REQUEST BY CABLEVISION INDUSTRIES, INC., FOR RECOGNITION OF ITS FRANCHISE IN THE AREAS RECENTLY ANNEXED BY THE CITY.

City Attorney Rynders advised that Senator Fred S. Dudley, legal counsel for the petitioner, had asked that this item be continued to Council's next regularly scheduled meeting, September 6, 1989.

No action taken by Council on this matter.

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			Y E S	N O	
Anderson-McDonald			X		
Barnett			X		
Crawford			X		
Graver			X		
Muenzer			X		
Richardson			X		
Putzell			X		
(7-0)					

---RESOLUTION NO. 89-5910

ITEM 25

A RESOLUTION OBJECTING TO PETROLEUM EXPLORATION AND PRODUCTION OFF THE COAST OF FLORIDA AND THE FLORIDA KEYS; REQUESTING THE GOVERNOR TO OPPOSE PLANS FOR ANY SUCH EXPLORATION AND PRODUCTION; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

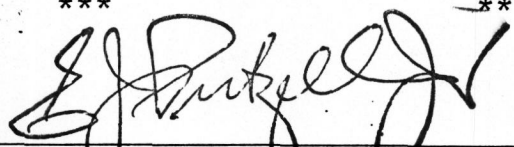
MOTION: To APPROVE the resolution as presented.

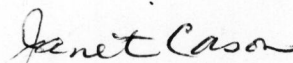
CORRESPONDENCE AND COMMUNICATIONS:

Councilman Graver asked staff to review the possibility of negotiating with Palmer Cablevision to provide bulk service for City residents in an effort to reduce cable fees. City Manager Jones advised he would meet with representatives from that company and discuss it further.

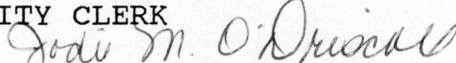
It was the consensus of Council not to hold the scheduled workshop meeting immediately following this regular meeting, but to reschedule it to a future date.

ADJOURN: 2:30 p.m.


EDWIN J. PUTZELL, JR., Mayor



JANET CASON-
CITY CLERK


JODIE M. O'DRISCOLL
DEPUTY CLERK

These minutes of the Naples City Council were approved on 9/6/89.

SUPPLEMENTAL ATTENDANCE LIST

Edward Morton
Frank Moore
Peter Lehmann
Herbert Cambridge
Lynn Mitchell
John Larson
Sara Sauer
Bentley Scott
Suzanne Braddock
Ivan Dusguis
J. Sandy Scatena
Chuck Mohlke
John Brugger

Anne Theis
Jim Hervey
W.W. Haardt
Ralph Carter
Dorothy Mitchell
Melinda McKinley
Sherman Weeks
Willie Anthony
R.B. Tucker
Michael Haslam
John Steinwand
Darla M. Romfo
Bill McAnly

William Bethke
Corbin Wyant
Charles Andrews
George Vega
Ruth Blaisdell
Richard Sauer
Robert Hogue
Stephen Ere
Lisa Paris
Jeff Jacobson
Hubert Howard
Phil McCabe
Peggy Huckaby

Other interested citizens and visitors.

NEWS MEDIA

Gina Binole, Naples Daily News

Comprehensive Plan Amendment

The following language is suggested by staff to replace the language requested by Bruce Anderson for page 19 of the Future Land Use Element at the end of the first paragraph on Section C.

It is not the intention of this Comprehensive Plan to prohibit the issuance of development orders in which an existing legal nonconformity is significantly reduced in density or intensity of use even though that reduction does not make it consistent with the Future Land Use map.