



*City of Naples*

City Council Minutes  
Workshop Meeting 10/11/89

City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-

REQUEST FOR PROPOSALS - MANAGEMENT STUDY.

ROAD IMPACT FEES - USES OF REVENUE.

RENTAL POLICY WHICH WOULD PROVIDE FOR LEASES TO BE CANCELLED IF A  
TENANT IS CONVICTED OF A FELONY.

METHOD OF VISUALLY DEPICTING THE HEIGHT OF PROPOSED BUILDINGS.

ADMINISTRATIVE APPROVAL OF MINOR ENCROACHMENTS INTO REQUIRED SETBACKS.

POLICY ON RECONSIDERATION OF ITEMS AFTER ACTION BY CITY COUNCIL.

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COUNCIL MEMBERS					

committee be established to review the proposals once they are received.

In response to Mr. Graver, City Manager Jones noted that costs could be realized once the RFP's had been received. The School Board just recently paid \$30,000 for such a study, he said.

Councilman Crawford asked what staff anticipated to determine from these studies. He then said he was uncertain whether this expenditure was really necessary. In response to Mr. Crawford, Councilman Richardson said that since he was elected to Council, growth in this area has been tremendous. He said he believed that this study should be done to determine if the City is operating efficiently and effectively.

Mrs. Anderson-McDonald said that she believed Council was responsible to its constituents and owed them the results of such a study. She further noted that many times she has been approached as to the organization of this City government and said she would like to provide those individuals with more accurate information regarding the same. The results of this study, she continued, most likely will confirm that the City is on track relative to salaries and efficiency.

Referring to the approximated costs, Mr. Crawford reiterated that he did not believe such an expenditure was necessary. Mrs. Anderson-McDonald, however, noted that the City Charter provides that Council cannot participate in the management of the City. This study, she said, is one means by which Council could legally review the operating efficiency of the manager and City as a whole. Councilman Graver concurred with Mrs. Anderson-McDonald and said that he would like to see what other cities have done in regard to management studies.

City Manager Jones pointed out that if the cost was too prohibitive, Council did not have to award the contract. This was merely a request for proposals, he said.



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It was the consensus of Council to proceed with the mailing of the Requests for Proposals.

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ITEM 2

ROAD IMPACT FEES - USES OF REVENUE.

City Manager Jones explained that there were two alternatives as to the implementation of road impact fees. Currently, the County has an ordinance which addresses road impact fees, but has never enacted it within City boundaries. Staff could either prepare its own ordinance relative to road impact fees or negotiate an agreement with the County to adopt their ordinance. Should Council decide to draft its own ordinance, Mr. Jones continued, it could take as long as 60 to 90 days and might require the services of a consultant.

Discussion then ensued relative to data needed to draft such an ordinance. Staff advised that road construction costs must be calculated and future growth needs anticipated.

In response to Councilman Crawford, Mr. Jones explained that revenue obtained from these fees could be used for signalization, road construction, another bridge over the Gordon River, etc.

Councilman Richardson noted that road impact fees were based on growth trends. There are many uses for this revenue, he continued, including advance purchase of rights-of-way for widening U.S. 41. He said that he further believed these fees were needed in the City.

Mrs. Anderson-McDonald suggested that the Civic Association, Chamber of Commerce, Collier County Builders and Contractors Association (CCBCA), Economic Development Council (EDC), and other interested groups and associations be given the opportunity to review whatever document is prepared for Council's consideration.

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It was the consensus of Council to proceed with negotiating an agreement with the County to adopt their road impact fee ordinance.

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ITEM 3

RENTAL POLICY WHICH WOULD PROVIDE FOR  
LEASES TO BE CANCELLED IF A TENANT IS  
CONVICTED OF A FELONY.

Councilman Muenzer advised he was asking for help from Council relative to action taken against tenants of the Carver/River Park apartments who have been convicted of a felony. He suggested that if a tenant, or guest of a tenant, has been arrested for a felony he be evicted from the premises. Such action, he contended, would help take the undesirable element out of this area and give residents of the area some sense of security.

Mr. Muenzer then referred to a list of repeat felony offenders living in this area which he had obtained from the police department, and he noted that of the 15 names he randomly selected, approximately 11 indicated Carver as their home.

In response to Councilman Crawford, Mr. Muenzer explained that this eviction process could be included in the rental lease. If the tenant or his guest is arrested, it could be grounds for eviction proceedings.

Vice Mayor Barnett asked what legal ramifications could be involved if this concept was adopted. City Attorney Rynders advised that the individual evicted would not be able to rent at Carver; however, he would be allowed to rent from a landlord at another complex.

In response to Councilman Crawford, City Attorney Rynders noted that the current leases at Carver do not include the proposed language. He further suggested that Attorney Harold Smith, legal counsel for Carver, update Council on the current status of those government approved leases.

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Attorney Harold Smith, legal counsel for the National Housing Partnership (NHP) at Carver, advised it would be very difficult to change the leases without prior approval from the Department of Urban Housing and Development (HUD). Currently, HUD has been developing a lease which would implement those eviction procedures; however, it will be approximately a year before those leases would be in place, he said.

Discussion then ensued relative to a case-in-point at Carver. Attorney Smith noted that he has evicted tenants from Carver who have allowed unauthorized persons to live in their units. Another alternative open to the landlord to instigate eviction proceedings is when a guest has performed some illegal activity on the premises. City Attorney Rynders noted that one flaw in this proposal was if an individual was arrested for illegal activities off-premise, it would be difficult to begin with eviction proceedings unless it could be proven that such activities were also performed on-premise.

Councilman Graver asked how many persons had been evicted from Carver during the past year. Attorney Smith estimated that approximately six individuals had been evicted.

Mrs. Anderson-McDonald asked if the eviction clause could include language which would consider any conviction grounds for termination of the lease. City Attorney Rynders said that HUD would have to approve such an amendment. He reiterated that HUD currently was investigating a change to its leases which would provide for eviction proceedings when someone is arrested of a felony.

Discussion then ensued relative to a possible agreement between Carver and the other apartments in the River Park area relative to renting units to known felons. Since Attorney Smith is legal counsel for the three complexes involved, Council urged him to meet with the landlords of those apartments to negotiate such an agreement.



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City warranted such action. But, if the costs were minimal, he would go along with the rest of Council and support such depictions.

It was the consensus of Council to proceed with aids that would visually depict the height of proposed buildings on vacant lands.

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ITEM 5

ADMINISTRATIVE APPROVAL OF MINOR ENCROACHMENTS INTO REQUIRED SETBACKS.

Community Development Director McKim advised that at the direction of Council, staff prepared an amendment to the Code which would provide that encroachments up to a certain amount could administratively be approved. Buildings constructed prior to June, 1985, she explained, are subject to such minor encroachments as that was before a survey of the property was required prior to construction by the City.

Mrs. Anderson-McDonald suggested that a registration process for nonconforming property be implemented (Attachment #2). This process, she noted, would allow property owners the opportunity to rebuild their structures in the event of a natural disaster. Mrs. McKim commented that she supported this recommendation as it would provide staff with the knowledge of what existed on certain parcels should a hurricane such as Hugo affect this area.

It was the consensus of Council that staff should prepare the necessary documents relative to the administrative approval of minor encroachments and registration of nonconformities for Council's consideration.

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ITEM 6POLICY ON RECONSIDERATION OF ITEMS AFTER  
ACTION BY CITY COUNCIL.

Vice Mayor Barnett explained that he had requested this matter be placed on the agenda for discussion after the reconsideration of an item four times. He then asked if the other members of Council wanted to consider such a policy statement relative to reconsideration of a petition after action has been taken by City Council.

City Attorney Rynders noted that under the current reconsideration procedure a petitioner asks that his item be reconsidered. At the onset of the discussion, Council then decides whether it will reconsider the item or not. If it decides to reconsider it, then a decision is made at the end of the deliberations as to approval.

Discussion then ensued relative to the procedure used by the County. Ms. Lee Layne, a member of the audience, advised that a petitioner has 14 days with which to request reconsideration and have the item placed on the agenda. Reconsideration, she continued, must be requested by a Commissioner who voted against the petition. She noted, however, that if the staff or planning commission has recommended denial, the petition cannot be heard again.

Councilman Crawford said that if a policy were implemented relative to reconsideration, each petition turned down would ask for such action. Mrs. Anderson-McDonald concurred and said she believed the current procedure was adequate and fair.

It was the consensus of Council to continue with its review and reconsideration of petitions as it has done in the past.

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ADJOURN: 11:40 A.M.

JANET CASON  
CITY CLERK

WILLIAM E. BARNETT, Vice Mayor

JODIE O'DRISCOLL  
RECORDING SECRETARY

These minutes of the Naples City Council were approved on 11-1-89.

ATTACHMENT #1

SUPPLEMENTAL ATTENDANCE LIST

Lee Layne  
Joe Herms  
Fred Sullivan

W.W. Haardt  
Carol Lynn Kendall

Charles Andrews  
Chuck Mohlke

Other interested citizens and visitors.

NEWS MEDIA

Gina Binole, Naples Daily News

Dave Bristow, WNOG



WORKSHOP OF 10/11/89

REFERENCE: ADMINISTRATIVE APPROVAL OF MINOR ENCHROACHMENTS INTO  
REQUIRED SETBACKS

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REQUEST -

establishment of: REGISTRATION PROCESS FOR NON-CONFORMING PROPERTY  
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PURPOSE:

TO STREAMLINE THE RECONSTRUCTION PROCESS IN THE EVENT OF A NATURAL DISASTER.  
THIS WILL ALSO RECOGNIZE THESE STRUCTURES NOW AS LEGAL.

MECHANISM:

FOR PROPERTIES NON-CONFORMING BUT LEGALLY CONSTRUCTED AT THE TIME AND CON-  
STRUCTED DURING OR PRIOR TO 6/85, THAT DO NO/NOW MEET THE ESTABLISHED SET-  
BACK REQUIREMENTS, WE WILL ESTABLISH A REGISTRATION PROCESS. TO DO SO, THE  
COMMUNITY DEVELOPMENT DEPARTMENT WILL NEED:

REGISTERED SURVEY SHOWING SETBACKS FOR ALL BUILDINGS SHOWING FIRST FLOOR  
FLOOD ELEVATION WHERE ANY APPLIANCES ARE INSTALLED.

Km