

CITY COUNCIL MINUTES

Workshop Meeting July 16, 1990

City Council Chambers 735 Eighth Street South Naples, Florida 33940

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City Council Chambers 735 Eighth Street South Naples, Florida 33940



CITY COUNCIL MINUTES

Time 9:00 a.m.

Date July 16, 1990

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PRESENT:	Alden R. Crawford, Jr., Mayor		0 1	3			В
	Kim Anderson R. Joseph Herms Paul W. Muenzer John M. Passidomo	COUNCIL MEMBERS	IO		Y E S	N O	S E N T
	Fred L. Sullivan, Councilmen						1
ABSENT:	William E. Barnett, Councilman						
Also Prese		TO THE SECTION					4.5
	Franklin C. Jones, City Manager David W. Rynders, City Attorney Mark W. Wiltsie, Asst. City Manager James L. Chaffee, Utilities Director Rand-Scott Coggan, Fire Chief Christopher L. Holley, Com. Svc. Dir. Stewart K. Unangst, Purchasing Agent Jon C. Staiger, Natural Resources Mgr. Ann "Missy" McKim, Community Dev. Dir. Gerald L. Gronvold, City Engineer Mary Kay McShane, Personnel Director Michael Fernandez, Planner III						in a
	Thomas Brown Charles Andrews Wayne Barwise P. Knute Hartman Harry Cunningham Karen Peterson JoAnn Smallwood John Anson Smith						
	Dave Bristow, WNOG Gina Binole, Naples Daily News						
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REVIEW AGENDA ITEMS FOR JULY 18TH REGULAR MEETING.					
Councilman Muenzer asked that the minutes of July 13, 1990, reflect his absence was due to his attendance at a national conference.					
Referring to Item 8, Councilman Muenzer then asked if staff could ensure that each of the adjacent property owners had been contacted. Natural Resources Manager Staiger assured Council that those individuals had been properly notified.					
In response to Councilman Herms, City Manager Jones reviewed the location of the State's Construction Control Line (CCCL) and its recent movement landward the beginning of this year. The petitioner had redesigned the proposed pool structure to meet existing State lines and permits, he said.					
Referring to Item 11, Councilman Passidomo asked staff to address the issue of guest house rentals at Council's regular meeting during consideration of this item.	Tan band				
Councilman Muenzer then asked to what use the Citizens and Southern National Bank drive-through facility could be used for if the rezone was accomplished. Mr. Herms asked staff to provide Council with a map of the surrounding area identifying existing land uses and zoning designations.					
Mayor Crawford noted that there were some pages missing from Item 13, Housing Element. Community Development Director McKim advised that she would forward that information to Council immediately.					
Referring to Item 14, Councilman Passidomo noted that this proposed request would change the Future Land Use map, but would not affect any textual changes. Community Development Director McKim pointed out that the petitioner would submit a Development and Annexation Agreement some time in the very near future would effect the appropriate textual changes.					
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Councilman Muenzer asked that relative to Item 16, the City Engineer should prepare a memorandum to address the existing lake on that property and the areas which drain into it, including a brief history of development in that area.							
Councilman Herms then asked the City Attorney to prepare an opinion as to whether the petitioner could proceed with development of the 3.92 acre tract in the event this request was denied. City Attorney Rynders explained the developer has kept that option open in the event the Comprehensive Plan amendment should not be granted by Council or the State.							
Councilman Passidomo noted that he would require additional information relative to the sale of alcohol in close proximity to the school, the wavier of impact fees, and proposed utility easement through Lot 55.							
Referring to Item 17, Naples Community Hospital, Councilman Muenzer advised that he would require additional information relative to the displacement of parking during the parking garage construction.						I	
Councilman Herms asked that the petitioner provide specifics relative to the water management landscape plan and its scale.							
Councilman Muenzer then asked that the Moorings Presbyterian Church, Item 18, include comments from the City Attorney relative to the strength of the Shared Parking Agreement. In addition, the agreement and resolution should indicate the exact number of spaces, he said.							
Councilman Anderson asked staff to prepare a thorough parking analysis of the number of spaces utilized in the Church parking lot during the day at various times.							

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parking sti Council, the parking mete South, Fifth overflow park guidance fro proceed with	Jones explained cker program was regulatory ording rs would be instantially and the council as to the placement and Gulf Shore B	as implementer ances provided alled on 11th a Central Aven at staff was s how it want of meters b	ed by I that Avenue ue for eeking						
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DISCUSSION OF ORDINANCE TO AMEND SUBMITTAL REQUIREMENTS FOR BUILDING REQUESTS IN WHICH THE MAXIMUM HEIGHT AND LOT COVERAGE ALLOWED BY A ZONING DISTRICT IS EXCEEDED, IN ORDER TO FACILITATE VISUALIZATION OF THE PROJECT PRIOR TO CONSTRUCTION.					-	
Mayor Crawford noted that although Council had previously deliberated this item, he still believed it had merit and perhaps some compromise could be reached to satisfy all members of Council. The visualization of projects which exceed Code by a certain degree, he continued, could be very helpful for Council to determine the mass of the project and its affect on the adjacent neighborhood.						
Councilman Passidomo said his objection to this proposal stemmed from the fact that it is the burden of the petitioner to use every tool available to persuade Council to approve his request. Mayor Crawford said that he did not believe this proposed ordinance would apply to every variance request, it would only be applicable to those requests wherein lot and height coverage have been exceeded significantly. Community Development Director McKim confirmed that a six-inch of one-foot variance would not be visibly apparent on a model.						
Referring to the Moorings Presbyterian Church item scheduled for Council's consideration on July 18, 1990, Councilman Passidomo noted if this ordinance was approved, that particular project would require a model for the steeple height which he believed would be unnecessary and arbitrary.						
City Attorney Rynders advised that Council could add some language to the ordinance which would provide that if Council so desired, a model or visual aid could be required of the petitioner if Council was not satisfied with the applicant's presentation.						
Councilman Anderson said that she believed this proposed language was appropriate. She further noted that Councilman Passidomo might have a						
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slight advantage visualizing certain projects because of his vast experience in real estate law.						
Councilman Sullivan said that he fully supported the proposed suggestion as he believed there were certain instances where a model would be appropriate. It was the consensus of Council that the City Attorney should prepare an ordinance providing Council the ability to require a model of a petitioner if it deemed such action necessary for its deliberations of rezone, variance, and planned development petitions.						

ITEM 4						
REVIEW OF CONCEPTUAL DESIGN FOR GOODLETTE-FRANK ROAD PARK.						
Community Services Director Holley advised that plans for this proposed park were presented to the Parks and Recreation Advisory Board at its last meeting. During that meeting, approximately 25 area residents were in attendance and provided both negative and positive feedback. Several members of the audience at those meetings expressed great opposition to bike racks, tot lots, and any other active recreational uses. However, the Board was urged to support the buffering between residential properties and the park, exercise trail, benches, and a walkway.		A				
Referring to the tot lot, Councilman Muenzer asked if any consideration had been given to a fenced playground. Mr. Holley replied that the matter was not pursued because of the great opposition it had received.						
Discussion then ensued as to the proposed stormwater utility areas. Councilman Herms suggested that an underground cavern type system could be placed under the park to store a tremendous amount of stormwater. City Manager Jones, however, noted that several large cities, such as Orlando, Florida, have used a similar system, but after 15 to 20 years, they have encountered difficulty in cleaning it out.						
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Councilman Sullivan asked the City to be a good neighbor during construction of this park and clean up any debris or construction material from the adjacent residential area.						ل
Ms. JoAnn *Smallwood of Smallwood Landscaping reviewed the conceptual plans for the park.						
Mayor Crawford noted that the stormwater utility study might require additional retention lakes in this area. He, therefore, suggested that the meandering path have sharper angles and that costs be kept down for the initial phase of this project. It was the consensus of Council to proceed with Phase I of the proposed project.						

ITEM 5						
REVIEW OF RECOMMENDATION BY PARKS & RECREATION ADVISORY BOARD WITH REFERENCE TO MEMORIALIZING POLICY FOR OUTSTANDING CITIZENS.				- A		3
Community Services Director Holley advised this was a policy that Council had directed the Parks and Recreation Advisory Board to review. The Board suggested that two inductees per year be nominated for time, energy, and effort expended on behalf of recreation in the City of Naples.						
Mayor Crawford said that he did not believe a policy such as this was appropriate as it could only cause ill will among all contributors. Councilmen Anderson and Sullivan concurred.						
It was the consensus of Council not to proceed with a memorializing policy for outstanding citizens in the City of Naples.						

ITEM 6						
DISCUSSION OF THE COUNCILS AND THE LEGAL DEPARTMENTS INTERPRETATION OF THAT 7						5

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	DEPARTMENT'S ROLE AND RESPONSIBILITY TO CITY COUNCIL.						
	Councilman Muenzer advised that he requested this item be placed on the agenda to review what he believed the City Attorney's role and responsibility to be. He referred, in particular, to a previously discussed Neapolitan Enterprises project on Third Street South. Mr. Muenzer said that he believed the City Attorney should be responsible for all miscellaneous negotiations petitioners agree to during Council deliberations.						
	City Attorney Rynders pointed out that it would be very difficult for him to keep track of each and every Council member and his/her negotiations. Mr. Rynders further advised that during his tenure as City Attorney, his role has been clearly defined to indicate when Council was straying from legalities of the Charter, Code, and Constitution.						
	Councilman Sullivan said that he believed the City Attorney has fulfilled his responsibility to Council by advising when Council was straying from areas which were not legal or appropriate.						
	Councilman Passidomo also supported the City Attorney's comments and stated that he perceived the attorney's role to be responsive to legal questions and issues.						
	Councilman Herms expressed concern relative to the Third Street South issue, and said that he did not believe the City Attorney was representing the City's interest properly. City Attorney Rynders, however, pointed out that there are times when he must make strong statements relative to Council's decisions and whether they will violate Constitutional rights. He must urge the City Council not to take certain action in those instances.						
	Mr. Herms further concurred with Councilman Muenzer and said that he would like the City Attorney to also keep track of his negotiations with petitioners.						
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Councilman Anderson said that she would not want the City Attorney interrupting her motion advising that she "forgot" to mention some arbitrary discussion. She advised that she was very capable of keeping her own notes and making an appropriate motion for approval or denial as the case may be.							_
Mayor Crawford concurred and said that it was up to each member of Council to establish policy and make appropriate motions. He further noted that during his tenure on Council and as Mayor, approximately 4 1/2 years, that the City Attorney has always acted properly with the City's "best interest at heart."							

ADJOURN: 11:25 a.m. ALDEN R. CRAWFORD, JR., Mayor							
Janet Ca DANET CASON City Clerk							_
JODIE O'DRISCOLL Recording Secretary							
These minutes of the Naples City Council were approved on August 15, 1998.							
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