



City of Naples

City Council Minutes

Regular Meeting July 18, 1990

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ANNOUNCEMENTS:			
MAYOR CRAWFORD: None.			1
CITY MANAGER JONES: None.			1
CEREMONY RECOGNIZING EMPLOYEES FOR YEARS OF SERVICE.			2
APPROVAL OF MINUTES: March 14, 1990, Workshop Meeting May 23, 1990, Workshop Meeting June 13, 1990, Workshop Meeting June 13, 1990, NTM June 20, 1990, Regular Meeting			2
PURCHASING:			
-BID AWARD for installation of a new shore power electrical system at the Municipal Boat Dock.		90-6128	2
-BID AWARD for replacement of two 2,000 gallon fuel tanks.		90-6129	2
RESOLUTIONS:			
-APPROVE variance from the CCSL to construct a swimming pool, 4388 Gordon Drive.		90-6131	3
-APPROVE confirmation of Resolution No. 89-5974, Sanitary Sewer Improvement District 89.		90-6130	3
-WITHDRAW variance petition 90-V5, Trail's End.		90-_____	5
-APPROVE variance petition for a ten foot side yard setback, 305 Hawser Lane.		90-6132	5
-APPROVE expansion of a guest house, 1472 Murex Drive.		90-6133	7
-APPROVE Development Agreement, Troy property.		90-6134	19
-APPROVE conditional use permit for renovations to Moorings Presbyterian Church.		90-6135	27
-APPROVE transmitting to the State proposed amendments to the Comprehensive Plan.		90-6136	29
-APPROVE final subdivision plat, Southpointe Yacht Club.		90-6137	30
-APPROVE exception to the Code to divide the property by the placement of a private street.		90-6138	30
-APPROVE expansion of lift station and force main.		90-6139	31
ORDINANCES - FIRST READING:			
-APPROVE 90-CPA1, Citizens and Southern Bank.	90-_____		8
-APPROVE 90-CPA2, City initiated amendments.	90-_____		10
-APPROVE 90-CPA6, Commons Office Park.	90-_____		16
-APPROVE 90-CPA3, Harry Cunningham.	90-_____		17
-APPROVE 90-CPA5, Troy property.	90-_____		19
-APPROVE rezone of property, Naples Community Hospital.	90-_____		24

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CITY COUNCIL MINUTES

Time 9:00 a.m.

Date July 18, 1990

Mayor Crawford called the meeting to order and presided:

ITEM 2

ROLL CALL: Present: Alden R. Crawford, Jr.,
Mayor

Kim Anderson
William E. Barnett
R. Joseph Herms
John M. Passidomo
Fred L. Sullivan,
Councilman

Absent: Paul W. Muenzer,
Councilman

Also Present:
Franklin C. Jones,
City Manager
David W. Rynders,
City Attorney
Mark W. Wiltsie,
Asst. City Manager
Ann "Missy" McKim,
Community Dev. Dir.
James L. Chaffee,
Utilities Director
Jodie O'Driscoll,
Recording Secretary

Jon C. Staiger, Ph.D.,
Natural Resources Mgr.
Gerald L. Gronvold,
City Engineer
Tara A. Norman,
Acting Public Info. Ofc
Stewart K. Unangst,
Purchasing Agent
Michael Fernandez,
Planner III
George Henderson,
Sergeant-At-Arms

See Supplemental Attendance List - Attachment #1.

*** *** ***

INVOCATION: Reverend Harold Brown
Lely Presbyterian Church

ITEM 1

*** *** ***

ANNOUNCEMENTS

ITEM 3

MAYOR CRAWFORD: None.

CITY MANAGER JONES: None.

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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	

ITEM 4

CEREMONY RECOGNIZING EMPLOYEES FOR YEARS
OF SERVICE.

A complete list of those employees honored for
their years of service has been included herein as
Attachment #2.

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

APPROVAL OF MINUTES

ITEM 5

March 14, 1990, Workshop Meeting
May 23, 1990, Workshop Meeting
June 13, 1990, Workshop Meeting
June 13, 1990, Neighborhood Town Meeting
June 20, 1990, Regular Meeting

PURCHASING

ITEM 6

---RESOLUTION NO. 90-6128

Item 6-a

A RESOLUTION AWARDDING CITY BID #90-65
FOR THE INSTALLATION OF A NEW SHORE
POWER ELECTRICAL SYSTEM AT THE MUNICIPAL
BOAT DOCK; AND PROVIDING AN EFFECTIVE
DATE.

Collier Electric Company
Naples, Florida
\$112,250.00

Title not read.

---RESOLUTION NO. 90-6129

Item 6-b

A RESOLUTION AWARDDING CITY BID #90-63
FOR THE REPLACEMENT OF TWO 2,000 GALLON
FUEL TANKS WITH TWO 4,000 GALLON FUEL

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TANKS AT THE MUNICIPAL BOAT DOCK;
AUTHORIZING THE CITY MANAGER TO ISSUE A
PURCHASE ORDER THEREFOR; AND PROVIDING
AN EFFECTIVE DATE.

GSX Tank Management, Inc.
Clearwater, Florida
\$67,216.74

Title not read.

MOTION: To APPROVE the Consent Agenda as
presented.

*** *** ***

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

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

---RESOLUTION NO. 90-6130 ITEM 7

A RESOLUTION AMENDING AND CONFIRMING
RESOLUTION NO. 89-5974, ADOPTED OCTOBER
18, 1989, FOR THE "SANITARY SEWER
IMPROVEMENT DISTRICT 89"; AND PROVIDING
AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

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

No one present to speak for or against.

MOTION: To APPROVE the resolution as presented.

*** *** ***

---RESOLUTION NO. 90-6131 ITEM 8

A RESOLUTION GRANTING A VARIANCE FROM
THE CITY'S MOST RESTRICTIVE COASTAL
CONSTRUCTION SETBACK LINE TO CONSTRUCT A
SWIMMING POOL GULFWARD OF THE CITY'S
MOST RESTRICTIVE SETBACK LINE AT 4388
GORDON DRIVE; AND PROVIDING AN EFFECTIVE
DATE.

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			X		
Barnett	X	X	X		
Hermes			X		
Muenzer					X
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					
Anderson	X		X		
Barnett		X	X		
Hermes			X		
Muenzer					X
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					

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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	

Title read by City Attorney Rynders.

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

Closed: 9:26 a.m.

No one present to speak for or against.

Councilman Passidomo stated that he had a Conflict of Interest relative to this item because his firm represented the owners in their purchase of this property, and he would, therefore, abstain from voting (Attachment #3).

Natural Resources Manager advised that this request was a little unusual because the City's Coastal Construction Setback Line (CCSL) no longer exists. The ordinance only recognizes the State's newly implemented Coastal Construction Control Line (CCCL). The house was 90% structurally complete when a neighbor realized the survey stakes were seaward of existing construction. Dr. Staiger further noted that the property owners to the north and south have received notification of these proceedings, but have not yet responded.

Referring to the incorrect survey, Mayor Crawford asked if there was any action the City could take in the future to deter such mistakes. City Manager Jones advised that the City requires all surveys to be certified. He further noted that financial institutions require the same certification. There is nothing else the City can do except prepare the survey themselves.

Councilman Herms asked if Mr. John Van Arsdale, an adjacent neighbor, had been advised of this meeting. He said that he believed Mr. Van Arsdale was out-of-town and possibly had not received proper notification. Dr. Staiger advised that approximately two weeks prior, he had spoken to Mr. Van Arsdale relative to this item. In addition, the builder, A. Vernon Allen, has been in contact with Mr. Van Arsdale personally.

Mr. Brett Moore of Coastal Engineering, representing the petitioner, displayed an aerial photograph indicating the location of an adjacent neighbor's pool and the location of the City's

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			Y E S	N O	
Anderson		X	X		
Barnett	X		X		
Herms			X		
Muenzer					X
Passidomo		ABSTAINED			
Sullivan			X		
Crawford			X		
(5-0)					

previous CCSL. He further noted that the size of the pool had been reduced to a lap pool decreasing the encroachment even farther.

MOTION: To APPROVE the resolution as presented.

Councilman Herms said that he would support the motion because of the influence of surrounding properties. However, he has always been cautious of approving construction in front of these lines and would continue to be so.

Mayor Crawford referred to the aerial photograph and said that he believed the size of the structures on these properties was indicative of the City's need to implement a policy relative to spatial perception.

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

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES
PLANNING ADVISORY BOARD

---RESOLUTION NO. 90-_____

ITEM 9

A RESOLUTION GRANTING VARIANCE PETITION 90-V5 FROM SUBSECTION 8-1-8 (E), NONCONFORMING SIGNS - REMOVAL THEREOF, OF THE COMPREHENSIVE DEVELOPMENT CODE, IN ORDER TO ALLOW TWO NONCONFORMING FREESTANDING SIGNS TO REMAIN AT THE TRAIL'S END MOTEL, 309 NINTH STREET SOUTH, UNTIL PHASE II CONSTRUCTION IS INITIATED; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised that the petitioner has requested this item be withdrawn (Attachment #4).

---RESOLUTION NO. 90-6132

ITEM 10

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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	
<p>A RESOLUTION GRANTING VARIANCE PETITION 90-V6 FROM SECTION 7-4-3 (F)(2) OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH REQUIRES A TEN FOOT SIDE YARD SETBACK IN ORDER TO PERMIT THE DEMOLITION AND RECONSTRUCTION OF A POOL SCREEN ENCLOSURE WHICH WILL ENCROACH TO WITHIN 2.2 FEET OF THE SIDE PROPERTY LINE AT 305 HAWSER LANE; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Community Development Director McKim explained that this variance request was to replace a nonconforming screen enclosure. The original structure was constructed according to Code in 1966. Both the staff and the Planning Advisory Board have recommended approval of this request.</p> <p>Councilman Herms noted that the majority of these structures are constructed of aluminum and after some time they corrode and rust. Community Development Director McKim advised that if it was just a matter of replacing a few poles or some screen, a variance would not be required.</p> <p>The petitioner's representative was not present, therefore, the Council returned to this item after consideration of Item 11.</p> <p>Mr. Tom Garlick of Harter, Secrest, & Emery, representing the petitioner, advised that he was available to answer any questions from Council.</p> <p>Councilman Herms asked if the screen enclosure had been removed. Mr. Garlick advised that it had not, but the sales contract for this property was contingent upon the buyer being able to remove and replace that structure.</p> <p>Mr. Stephen Shepard of 378 Country Club Lane, representing his mother who is an adjacent neighbor, advised that he believed the pool enclosure and patio should be cut at a 45 degree angle to ensure that his mother's view of the waterfront would not be obstructed. He further advised that he had met with the petitioner to try</p>					

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			Y E S	N O	
Anderson			X		
Barnett	X		X		
Herms		X	X		
Muenzer					X
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					

and address some of his mother's concerns, but to no avail. Mr. Shepard then passed around some diagrams of his proposal at the dais for Council's review.

Councilman Passidomo said he believed that the City has done everything in its power to provide a compromise between the two neighbors. It has encouraged them to meet and try to work out their differences, there is nothing more that the City can do without micro-managing or setting a precedent, he said. Mr. Passidomo further noted that this property was a classic case of unique hardships and special conditions.

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 90-6133

ITEM 11

A RESOLUTION APPROVING NONCONFORMITY PETITION 90-N5 FOR EXPANSION OF A NONCONFORMITY TO ENCLOSE A GUEST HOUSE CARPORT FOR ADDITIONAL HABITABLE SPACE AT 1472 MUREX DRIVE WHICH IS 3,000 SQUARE FEET LESS THAN THE 30,000 SQUARE FEET MINIMUM LOT SIZE REQUIRED FOR GUEST HOUSES, SUBJECT TO THE STIPULATION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that this request was to expand an existing nonconformity. The lot does not meet the Code's current standards for guest houses, and the guest house itself is smaller than what is generally required (25% of the main house). Under the Code's provision for a guest house, such structures cannot be rented separately from the main house. Both the staff and Planning Advisory Board recommended approval subject to the reiteration of the Code relative to rental of guest houses.

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Mayor Crawford asked if guest houses could be placed anywhere in the City or County. Community Development Director McKim noted that a single family lot with more than 30,000 square feet could accommodate a guest house.

Councilman Herms asked if the adjacent property owners had been notified. Mrs. McKim confirmed that they had.

MOTION: To APPROVE the resolution as presented.

---ORDINANCE NO. 90-_____

ITEM 12

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT 90-CPA1 TO AMEND THE FUTURE LAND USE MAP DESIGNATION AND RELATED TEXT OF A 0.60 ACRE PIECE OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF FOURTH AVENUE SOUTH AND SEVENTH STREET SOUTH (CITIZENS AND SOUTHERN NATIONAL BANK OF FLORIDA) FROM MEDIUM DENSITY RESIDENTIAL TO LIMITED COMMERCIAL; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ALLOW AN EXISTING DRIVE-THROUGH BANKING FACILITY TO CONTINUE AS A PERMITTED USE.

Title read by City Attorney Rynders.

Community Development Director McKim distributed a table and map which identified the current zoning and uses of adjacent property to the Citizens and Southern National Bank of Florida's drive-through facility (a copy of which can be reviewed from the meeting packet in the Office of the City Clerk). The proposed Comprehensive Plan amendment would change the land use designation of this property from medium density residential to limited commercial. However, the amendment would also provide that the only commercial use allowed on the property would be a bank drive-through facility. Staff recommended approval, but the Planning Advisory Board (PAB), in a split vote, recommended denial because it wanted to limit the encroachment of commercial into residential areas.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson					
Barnett		X	X		
Herms			X		
Muenzer					X
Passidomo			X		
Sullivan	X		X		
Crawford			X		
(6-0)					

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			Y E S	N O	

Mayor Crawford said that he understood the PAB was also concerned about the results of the upcoming Central Naples Core Study, to be finalized some time in the near future. Community Development Director McKim advised that they had taken that study under consideration during their deliberations. Staff anticipates reviewing this area in depth during that study to identify appropriate zoning and land use.

Referring to the previously distributed map, Councilman Herms noted that there was a great deal of commercial usage in this area eventhough single and multi-family residential was prevalent. The current site is zoned "C1A".

Mayor Crawford noted that it has always been this Council's intent to protect and preserve residential communities from encroaching commercial uses. However, it appears that this Comprehensive Plan amendment was merely protecting the property owner's right to rebuild in the event of a natural disaster.

In response to Councilman Barnett, Attorney Tim Jones, representing the petitioner, advised that the subject drive-through facility has been on that site since the early 1970's.

Councilman Sullivan said that he believed conditions have been established by which this property could only be used for one commercial use, a drive-through banking facility. If a change in ownership were to occur, then the new property owner would be limited to the commercial use of that property by this amendment. He then moved approval of this request. Mr. Barnett seconded the motion.

Councilman Passidomo, however, expressed concern with the submitted language in Exhibit "A" of the ordinance and suggested the following amendment to the last paragraph, third line: "...and will require an amendment through the approval process."

Attorney Tim Jones noted his client's objection to the aforementioned language change. This

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language, he said, would require the property to meet all existing regulations, if destroyed, which might become too cost prohibitive for the property owner.

MOTION: To APPROVE the ordinance with the aforementioned language change at first reading.

---ORDINANCE NO. 90-_____

ITEM 13

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT 90-CPA2 TO AMEND THE ADOPTED COMPREHENSIVE PLAN AND ASSOCIATED LAND USE MAPS; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCORPORATE CITY INITIATED AMENDMENTS TO FURTHER THE INTENT OF THE COMPREHENSIVE PLAN.

Title read by City Attorney Rynders.

Community Development Director McKim advised that the proposed amendments to the Comprehensive Plan involved correction of data and information to ensure consistency, text changes resultant from requests or suggestions of the City Council and Planning Advisory Board (PAB), and staff initiated amendments to further the intent of the Comprehensive Plan.

It was the consensus of Council to review the amended pages of the Comprehensive Plan page by page.

Councilman Herms referred to Land Use 20 and the recommendation by the PAB to include a separate paragraph relative to mixed use designation. Mr. Herms said that he was not comfortable with this type of designation in the Comprehensive Plan because he did not believe the concept had been thoroughly researched.

Mayor Crawford, however, noted that the Plan merely states that such a use should be explored. It does not state that this concept will be

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson			X		
Barnett		X	X		
Herms			X		
Muenzer					X
Passidomo			X		
Sullivan	X		X		
Crawford			X		
(6-0)					

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			Y E S	N O	

initiated. Community Development Director McKim added that it provides the staff with the opportunity to explore the concept to determine if it is at all feasible.

Councilman Passidomo said that he believed the proposed language provided the City with the ability to implement goals which are identified to be in the community's best interest. It was the consensus of Council to leave the language relative to mixed use designation in the Plan.

Community Development Director McKim then noted that the PAB had suggested the reinsertion of language relative to performance zones. These areas would provide for commercial use within a single family home in order to maintain the existing single family home and prevent its destruction for multi-family use.

In response to Mayor Crawford, Mrs. McKim further noted that Councilman Muenzer was strongly opposed to this concept as he did not believe any commercial encroachment into a residential area was appropriate.

Discussion then ensued relative to one such use Council previously approved, Media Marketing on Tenth Street North. This use of a single family property has been an attractive addition to the surrounding neighborhood, Councilman Passidomo said. The proposed commercial use in this particular instance was less intense than a multi-family building which could have been erected on the site.

Councilman Herms cited an example where an appraisal firm was utilizing a single family residence for its commercial use at Eighth Street and Third Avenue South. This particular use has created a parking disturbance in the neighborhood and may be too intensive a use, he said. He further expressed concern about the encroachment of commercial uses into single family residential areas.

Mayor Crawford noted that it was not Council's intent to substitute commercial for residential,

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			Y E S	N O	

but in some cases, such as Media Marketing, it was more appropriate than introducing multi-family. Community Development Director McKim added that only three areas had been identified where the proposed commercial uses would be appropriate.

Councilman Anderson advised that this concept would merely provide the Council with an opportunity to allow commercial uses in certain areas dependent upon its compatibility with the adjacent residential community. Referring to the commercial use Mr. Herms cited, Mrs. Anderson advised that those violations could be handled through the Police Department and Code Enforcement Board.

Discussion then ensued as to the appropriate course of action to pursue. City Attorney Rynders advised that the Council could keep this language in the Plan and between now and the second reading, Council could revisit the item at a workshop session and decide whether or not to delete it.

It was the consensus of Council to review this item, Land Use 22, at a workshop session prior to final consideration.

On Page 23 of the Land Use Element, Councilman Herms said that he has always had difficulty with the designation of land adjacent to the Naples Daily News for use as affordable housing sites. This site is surrounded by industrial uses, he said.

Councilman Passidomo provided a brief history of this area and noted that it had been "down-zoned" from "C3" to "C2". He said that he further believed affordable housing could comfortably coexist in that neighborhood.

Councilman Anderson further noted that it was wise for the City to take advantage of the opportunity to capture that acreage for affordable housing. Otherwise, affordable and available land in the City of Naples will all be gone.

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[illegible]

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			Y E S	N O	

of service standards for two years so that it can have the appropriate design and construction plans drawn up.

Referring to Facilities 31, Councilman Herms asked if these requirements were more stringent than what was deleted. City Engineer Gronvold advised that they were. The City was merely complying with the County's ordinance, he said. Presently, the City has utilized a 25 year, 3 day storm event for water retention requirements.

Councilman Herms asked if Facilities 31 also provided the same 25 year, 3 day storm water retention for parking areas. City Engineer Gronvold advised that there was a one inch minimum retention for such areas. He further advised that he would research the matter and report his findings to Council relative to what was required in the recently adopted County ordinance. That ordinance, Mr. Gronvold explained, was applicable in the City.

It was the consensus of Council that this item should be considered at an upcoming workshop as well.

Councilman Herms asked for legal clarification relative to Intergovernmental 3. City Attorney Rynders advised that the school district was independent of the City's building, plumbing, electrical, and fire codes. However, certain land use designations could still be applicable depending upon the Court's weighting of the priorities.

Dr. Michael Stephens of Coastal Engineering Consultants Inc., expressed concern about Council approving the Conservation/Coastal element relative to the restrictive placement of marinas in tidal swamp marsh areas. He cited the Windstar property as an example and said that it would be unfair to penalize residents in that proposed residential development from having an amenity such as docks and/or boat slips. Dr. Stephens further asked Council to consider this item at a future workshop session to provide for additional public input.

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			Y E S	N O	

Community Development Director McKim advised that she has not been told about any proposed dock space or marina for this facility. This was the first time the subject has been brought up, she said. During the Comprehensive Development Code approval process, Council determined that prohibiting marinas in tidal swamp marsh areas was appropriate.

Attorney Pamela S. Mac'Kie of Cummings and Lockwood, representing Collier Development Company, asked Council to reconsider action on this item (Conservation/Coastal) as she believed it was considering a major policy change in the Comprehensive Plan without the opportunity for the public to provide input. She said she believed this type of decision could be easily overturned by a Court as being capricious and arbitrary.

Community Development Director McKim briefly provided Council with a history of the restriction of marinas in tidal swamp marsh areas. During the Comprehensive Development Code approval process, staff had language inserted which provided for the development of marinas in tidal swamp marsh areas under certain conditions. However, the Council determined that it wanted to remain consistent with its decision relative to the Sabal Bay Marina and deleted that provision. City Attorney Rynders pointed out that it was necessary to amend the Comprehensive Plan at this point to provide consistency with the Development Code. There was ample opportunity for public input during the hours of deliberation before both Council and the PAB, he said.

Councilman Herms asked how many specific property owners would be affected by this change. Community Development Director McKim advised that there were approximately three major property owners affected, Collier Development Company, Windstar, and Key Island. There may be a few smaller parcels owned by individuals, but the majority of property is owned by the aforementioned corporations.

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			Y E S	N O	

RECESS: 12:00 NOON TO 12:05 P.M.

Mrs. Sue B. Smith of 15 - 11th Avenue South concurred with the previous speakers and also said that she believed Council was considering major policy changes relative to the Comprehensive Plan. She asked when the citizenry would be provided with the opportunity to discuss these matters in an open forum. City Attorney Rynders advised that there would be ample opportunity for public input from now until the second reading of the ordinance, December.

Dr. Fran Stallings, representing The Conservancy, supported the previous deletion of the construction of marinas in tidal swamp marsh areas. This action today, he said, is not a major policy change, but rather a change in line with previously adopted policy.

Councilman Passidomo pointed out that the City's Code could be more stringent relative to the placement of marinas in tidal swamp marsh areas than the State's or Regional's policies. However, he suggested that this item, Conservation/Coastal, be discussed at a workshop session as well to provide ample opportunity for public input.

MOTION: To APPROVE the ordinance at first reading with the changes outlined in Exhibit "1", ensuring that the public has ample opportunity to speak on the proposed changes prior to final consideration by Council in December.

---ORDINANCE NO. 90-_____

ITEM 14

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT 90-CPA6 TO ADD PROPERTY ADJACENT TO THE COMMONS OFFICE PARK ON GOODLETTE-FRANK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, TO THE FUTURE LAND USE MAP IN ANTICIPATION OF ITS VOLUNTARY ANNEXATION AND TO DESIGNATE IT FOR

Anderson
Barnett
Herms
Muenzer
Passidomo
Sullivan
Crawford
(6-0)

X

X
X
X
X
X
X
X

X

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			Y E S	N O	
LIMITED COMMERCIAL USES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ADD THE SUBJECT PROPERTY TO THE FUTURE LAND USE MAP AT THE PETITIONER'S REQUEST IN ANTICIPATION OF ITS VOLUNTARY ANNEXATION AND TO DESIGNATE IT FOR LIMITED COMMERCIAL USES.					
Title read by City Attorney Rynders.					
Community Development Director McKim advised that the staff has received this petitioner's Voluntary Annexation and Development Agreement which will be considered by the PAB at an upcoming meeting. This action today merely provides the first step for the annexation of that property. Mrs. McKim further explained that this property was currently designated "RO", Recreation, Open Space in the County which would convert to "PS", Public Service designation in the City. During the PD process, the type of uses for this property would be outlined and agreed upon.					
Councilman Herms asked how many acres of developable land was available for use. Mr. Jack Conroy, representing the petitioner, advised that there was 4.2 acres of net developable land exclusive of mangroves and canals.					
Referring to the adjacent residential property, across the canal, Mr. Herms asked if those property owners had been properly notified. Mrs. McKim advised that it was not necessary for the property owners to be notified of a comprehensive plan amendment, but they would be notified during the PD approval process.					
<u>MOTION</u> : To <u>APPROVE</u> the ordinance as presented at first reading.					

---ORDINANCE NO. 90-_____					
ITEM 15					
AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT 90-CPA3 TO CHANGE THE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY					
Anderson			X		
Barnett	X		X		
Herms			X		
Muenzer					
Passidomo			X		X
Sullivan		X	X		
Crawford			X		
(6-C)					

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Date _____

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			Y E S	N O	

RESIDENTIAL AT THE SOUTHWEST CORNER OF EIGHTH AVENUE SOUTH AND SEVENTH STREET TO ALLOW A MORE INNOVATIVE PLACEMENT OF HISTORIC DWELLINGS PROPOSED TO BE RELOCATED; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ALLOW THE PETITIONERS TO UTILIZE THE SUBJECT PROPERTY AS A RELOCATION SITE FOR OLDER HOMES WHICH ARE IN DANGER OF BEING DEMOLISHED.

Title read by City Attorney Rynders.

Community Development Director McKim advised that this Comprehensive Plan amendment was to provide for a change in land use density from low density residential to medium density residential in order to facilitate the placement of historic dwellings on this one site in an effort to protect them from demolition.

Councilman Herms expressed concern about changing the density of this property from low to medium density residential. He asked how many units per acre would be allowed on the new site. Community Development Director McKim advised that low density would provide up to six units per acre, and medium density would provide as much as twelve units per acre. The actual number of houses permitted would be determined by the PD process along with the lot size and other site characteristics, she said.

Petitioner Harry Cunningham of 1171 Crayton Road advised that he was available to answer questions. Councilman Herms asked if Mr. Cunningham anticipated the property being subdivided into four lots. The petitioner advised that he did, but anticipated such topics to be negotiated during the PD process.

Councilman Passidomo said that he would feel more comfortable if the language included the reason why this land was being designated for medium density residential. It should indicate that the proposed site was to provide for the preservation and renovation of historically significant structures, he suggested.

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

Councilman Herms advised that when Council reviewed the PD documents he would address his concerns relative to density and side yard setbacks within the project.

---RESOLUTION NO. 90-6134

ITEM 16

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT AGREEMENT FOR A 17.18 ACRE SITE AT THE NORTHEAST CORNER OF GOLDEN GATE PARKWAY AND U.S. 41, NORTH (TROY PROPERTY); AND PROVIDING AN EFFECTIVE DATE.

---ORDINANCE NO. 90-_____

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT 90-CPA5 TO AMEND THE COMPREHENSIVE PLAN LAND USE DESIGNATION AND RELATED TEXT FROM HIGHWAY COMMERCIAL AND MEDIUM DENSITY RESIDENTIAL TO HIGHWAY COMMERCIAL AND PUBLIC, SEMI-PUBLIC, INSTITUTIONAL FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF GOLDEN GATE PARKWAY AND U.S. 41, NORTH (TROY PROPERTY), MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ALLOW EXPANSION OF COMMERCIAL USES FROM 3.92 ACRES TO 8 ACRES AND CHANGE THE MULTIFAMILY DESIGNATION TO INSTITUTIONAL TO FACILITATE EXPANSION OF NAPLES HIGH SCHOOL.

Titles read by City Attorney Rynders.

City Attorney Rynders advised that the Development Agreement should be considered prior to the Comprehensive Plan amendment.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson	X		X		
Barnett			X		
Herms			X		
Muenzer					X
Passidomo		X	X		
Sullivan			X		
Crawford			X		
(6-0)					

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			Y E S	N O	
<p>Community Development Director McKim then explained that the Development Agreement provides for the expansion of commercial property from 3.92 acres to 8.0 acres, and for the designation of the remaining 9.18 acres to Institutional use for expansion of Naples High School. A conditional use request will be submitted for the original 3.92 acre tract to accommodate a drive-through banking facility. Both staff and the Planning Advisory Board (PAB) have recommended conceptual approval of the development agreement, she explained. Staff further believes that by addressing a couple of items, such as landscaping and access, at these proceedings, it could recommend approval of the document before Council.</p> <p>Mr. Wayne Barwise of Cooper Developments, Inc., provided Council with a brief description of his company and its attributes. He noted that this application has been under considerable time constraints relative to meeting the deadline of the Comprehensive Plan amendment cycle.</p> <p>Dr. Max Schmidt, representing the Collier County School Board, urged Council to support this request. He noted that Naples High School was in need of expansion, and this proposal would provide the means by which the high school could accommodate future growth.</p> <p>Mr. Barwise then displayed artist's renderings of the proposed project which would front on U.S. 41. He said that it was his company's intent to provide a clean, crisp project for the "Gateway of Naples."</p> <p>Attorney David Sexton, representing the petitioners, then distributed the following corrected and/or amended pages to the Development Agreement: Development Agreement, Pages 5, 10, and 12; Schedule 1; Schedule 2, Pages 5, 8, 10, and 11; Schedule 3; Schedule 4; and Schedule 5 (copies of which can be reviewed from the meeting packet in the Office of the City Clerk).</p> <p>Discussion then ensued as to the clause waiving impact fees of the 3.92 acre tract for two years. City Attorney Rynders advised that inasmuch as the</p>					

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[illegible]

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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	

Mr. Barwise then discussed access points to the proposed development. He suggested that an existing access remain on U.S. 41, and that a median cut and stacking lane be provided on Golden Gate Parkway to access the property. Mr. Barwise then introduced Jack Barr of Barr, Dunlop & Associates to further explain this proposal.

Mr. Jack Barr of Barr, Dunlop & Associates reviewed the traffic analysis provided in the packet material and advised that it would be appropriate for an entrance to be placed on U.S. 41 and on Golden Gate Parkway for access to this site. The proposed median cut, he explained, would not adversely impact traffic as the stacking lane could accommodate upwards to four cars at any one time. City Engineer Gronvold has expressed some concern with a left hand turn exiting the property onto Golden Gate Parkway, and the petitioner has agreed to prohibit such egress from that access point through design and channelization.

Mayor Crawford then asked Mr. Barr to comment on access for the 3.92 acre site only. Mr. Barr said that he was unable to do so because he has only reviewed the project as a whole. However, if the development was limited to the 3.92 acre tract, he continued, it might be inappropriate for access to be available from Golden Gate Parkway.

Referring to Page 11 of Schedule 2, Councilman Passidomo asked for clarification relative to the access locations cited therein for the school property. City Attorney Rynders noted that provision was included to address the access locations referred to in Parcels 1 and 2. It was the consensus of Council that the language on Page 11 of Schedule 2, Section 5.0, should be clarified to clearly identify access.

Discussion relative to landscaping and the Corridor Management Study then ensued. The petitioner has proposed to plant, alternately, a canopy tree then three palms the length of the project on Golden Gate Parkway. Mr. Barwise indicated that instead of the required 17 canopy trees, his company would provide 9 canopy trees

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			Y E S	N O	

and 37 palm trees in an effort to create a theme for this project.

Community Development Director McKim advised that the Corridor Management Study was very specific about the use of canopy trees, not palm trees. She further noted that whatever action Council took today relative to this matter would set a precedent for all future sites inasmuch as this was the first project to comply with that Study. Mrs. McKim also pointed out that the school may have some difficulty complying with the Corridor Management Study because of its requirement for open play fields.

Councilman Herms said that he believed the petitioner has exceeded the requirements of Code and that he fully supported the proposed landscape plan.

Referring to the requirements of the Corridor Management Study, Councilman Passidomo said that he believed Council should require stringent compliance with that Study so that the action taken relative to this site could "set the tone" for future developments.

It was the consensus of Council, excluding Mr. Passidomo, to allow the petitioner to proceed with his plan to alternate canopy and palm tree clusters every 30 feet.

Councilman Sullivan said that he believed the proposed landscaping plan was the most attractive he has seen since he took office.

Councilman Anderson said that she would support the proposed landscaping plan, but pointed out that palm trees did not provide the type of shading that the Corridor Management Study was attempting to achieve.

Mr. Allen Weiss of 3277 Gordon Drive supported this request as he believed it was important that Naples High School be able to expand to provide its students with a full range of academic opportunities.

Attorney Jim Siesky, representing the School Board, advised that the school would comply with the Corridor Management Study, except with that portion relative to setbacks.

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Mr. J. Sandy Scatena of 2990 Binnacle Drive asked Council to deny this request as he did not believe the proposed development was appropriate for the site. He said that he believed too many concessions were provided in the Development Agreement which he believed were inappropriate. This site, Mr. Scatena contended, should remain multi-family and be used as a retirement village because of its proximity to grocery stores, the mall, etc.

Discussion then ensued as to the number of "reserved" parking spaces and the proposed landmark for this site. Community Development Director McKim advised that those issues would be discussed in depth during the PD process.

Councilman Herms said that he has been in support of this development because the developer made a decisive attempt to work with the School Board to negotiate a price which was not too cost prohibitive.

MOTION: To APPROVE the resolution and ordinance with the following amendments: Page 5 of the Development Agreement change the word "minimum" to "maximum"; prohibit left hand turn from property onto Golden Gate Parkway for Parcel 1; prohibit right hand turn onto Golden Gate Parkway from Alternate Parcel 1; and subject to the City identifying the location of the Utility Easement on Lot 55, Schedule 5.

---ORDINANCE NO. 90-_____

ITEM 17

AN ORDINANCE REZONING PROPERTY LOCATED AT 350 SEVENTH STREET, SOUTH (NAPLES COMMUNITY HOSPITAL) FROM "M" MEDICAL AND "C-2" GENERAL COMMERCIAL TO "PD" PLANNED DEVELOPMENT (MEDICAL RELATED); AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ALLOW EXPANSION OF THE HOSPITAL THAT WILL ALLOW A PARKING GARAGE AND A MEDICAL SERVICES BUILDING.

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			X		
Barnett		X	X		
Herms			X		
Muenzer					X
Passidomo	X		X		
Sullivan			X		
Crawford (6-0)			X		

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			Y E S	N O	

Title read by City Attorney Rynders.

Community Development Director McKim advised that the hospital has made some changes to their application by removing the medical related office building (36,384 square feet), by increasing storm water retention and landscaping, and by adding another floor to the parking garage thereby increasing the number of parking spaces by 200. The Planning Advisory Board (PAB) unanimously recommended denial of this request; however, with the additional changes submitted, staff has recommended approval as the petitioner has met their concerns.

Councilman Herms expressed concern that the Planning Advisory Board (PAB) was not privy to the newly submitted amendment to this application and suggested this item be remanded back to the PAB for its review and consideration. Councilman Passidomo disagreed and said that he believed the purpose of the PAB was to note substantive issues for Council to consider during its deliberations of the request. Mayor Crawford further noted that the proposed changes were a direct result of the PAB's recommendation.

Mr. Edward Morton, Senior Vice-President, Senior Financial Officer for Naples Community Hospital asked Council to favorably consider this expansion request. He further urged the Council to consider the existing hospital and proposed expansion as one facility.

Referring to Mr. Jack Conroy's letter to the PAB, Councilman Herms asked if the hospital was becoming involved in a private enterprise by providing medical office space. Mr. Morton explained that the medical office space building had been removed from the application and would not be considered by the hospital again until at least the year 1995.

Councilman Anderson asked if this expansion would facilitate the closing of any of the other ancillary locations. Mr. Morton advised that it would not.

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			Y E S	N O	

Mayor Crawford noted that if the parking garage was moved into a portion of the area where the medical office building was going to be constructed, the mature landscaping in that area could reduce some of the perceived mass of a structure that size. In addition, he suggested that the parking garage could be reduced in size inasmuch as the medical office building had been deleted from the proposal.

Community Development Director McKim noted that an open space easement could be conveyed for the property where the medical office building was to be erected. However, City Attorney Rynders pointed out that a future Council could reconvey the easement if it so desired.

Discussion then ensued as to the possible reduction of parking spaces. Councilman Passidomo pointed out that staff has indicated a parking problem exists at the hospital eventhough according to Code, the hospital has exceeded the parking requirements.

The petitioner then displayed a horizontal and vertical perspective of a swale to retain stormwater on-site. Councilman Herms suggested that open space and recreational uses could be accommodated in the stormwater retention areas for the employees to enjoy.

Mr. W. A. "Doc" Gaillardet of 671 - 13th Avenue South urged the Council to deny this request because he did not believe such density was appropriate at the hospital's existing location. He then cited some statistics wherein he noted that "up to 30% of hospital admissions are not needed."

Mr. J. Sandy Scatena of 2990 Binnacle Drive also urged Council to deny this request. He said that the adjacent neighbors were very concerned about the proposed commercial intrusion into their residential neighborhood.

Mrs. Wilma Ferguson of 3420 Gulf Shore Boulevard also spoke in opposition to the ordinance. She suggested that any expansion should be east of

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U.S. 41 so that the area west could be reserved for residential. She further expressed concern that a seven story parking garage would not be appropriate adjacent to a residential neighborhood.

Councilman Passidomo asked that the setback for the parking garage be identified. Community Development Director McKim advised that the setback would be approximately 142 feet from U.S. 41. He further asked Mrs. McKim if she was comfortable with the fact that traffic intensity would not increase or that encroachment to the west would not introduce elements which the Comprehensive Plan prohibits. Mrs. McKim advised that she was.

Councilman Herms suggested that the parking garage could be reduced by one level which would make the garage appear as a three story building.

MOTION: To APPROVE the ordinance at first reading subject to staff conditions.

Councilman Herms said that he could not support the motion as he believed the parking garage could be reduced.

Mayor Crawford agreed and said that he believed the density of the proposed expansion was too great.

---RESOLUTION NO. 90-6135

ITEM 18

A RESOLUTION GRANTING CONDITIONAL USE PETITION 90-CUG TO ALLOW ADDITIONS AND RENOVATIONS TO AN EXISTING CHURCH FACILITY AT 791 HARBOUR DRIVE, INCLUDING A NEW 1,072 SEAT SANCTUARY, IN A "PS", PUBLIC SERVICE, ZONING DISTRICT, AND A REQUEST FOR SHARED PARKING OF 66 SPACES AND AN INCREASED BUILDING HEIGHT, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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		X	X		
Barnett			X		
Herms				X	
Muenzer			X		X
Passidomo	X		X		
Sullivan			X		
Crawford				X	
(4-2)					

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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	

Community Development Director McKim advised that at a previous meeting, the Council tabled this matter to allow the petitioner sufficient time to address a number of items: steeple height, columbarium, shared parking concept, and landscaped buffer. The aforementioned concerns have been met to the staff's comfort, she explained. A Shared Parking Agreement has also been submitted for the Council's review.

City Attorney Rynders advised that his review of that Agreement indicated it was satisfactory as to the strength of this issue. The Agreement provides for a period of 25 years with the potential of automatic renewals for five to ten year periods.

Mayor Crawford expressed concern that with the shared parking concept, the office buildings could increase their size by including that parking to meet requirements for expansion. City Attorney Rynders advised that the petitioners would have to utilize a portion of their parking or increase their building height which would make it very difficult to meet the Code's parking requirements.

Mr. Richard Stiers, church elder, advised that he was available to answer any questions. He noted that the Church would accept whatever this Council decided relative to water retention and steeple height.

Mr. J. Sandy Scatena of 2990 Binnacle Drive noted that he owns property adjacent to the subject site. He urged Council to deny this request as he did not believe it was an appropriate expansion into a residential community. Mr. Scatena further expressed concern relative to the steeple height and parking requirements.

Referring to the steeple height, Mayor Crawford said that he believed this Council had already established a precedent relative to a previous application. St. Ann's Catholic Church had requested a permit to construct a steeple some time ago and that height was limited to 80 feet.

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Councilman Passidomo suggested the following language be inserted into paragraph three of the resolution: "no use of the additional parking by Collier will be used to provide the means by which that property could be expanded."

Councilman Herms moved approval of Conditional Use Petition 90-CUG with the aforementioned language addition, limitation of columbarium slips to 600, and the requirement that the entire site conform to current water management standards. Councilman Anderson asked if Mr. Herms would consider an amendment to his motion that would include the PAB conditions, 1 through 8. Item 7 of those conditions would be amended to provide that "recreational use of the parking lot shall not exceed the southerly two parking aisles." Mr. Herms accepted the foregoing amendment, and Mrs. Anderson then seconded the motion.

Discussion then ensued as to the requirement to provide current stormwater retention standards for the entire site and not just the area to be redeveloped. Attorney William Keith, representing the Church, strongly opposed that requirement and said he did not believe other developments were required to comply with such stringent standards. Mayor Crawford, however, disagreed and noted that Council has required such compliance for projects of this magnitude.

MOTION: To APPROVE the resolution with the aforementioned amendments.

Councilman Passidomo pointed out that if the petitioner found compliance with the stormwater retention too cost prohibitive, it could ask Council to reconsider.

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

---RESOLUTION NO. 90-6136

ITEM 19

A RESOLUTION TRANSMITTING TO THE STATE OF FLORIDA PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN FOR THE CITY OF

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson		X	X		
Barnett				X	
Herms	X		X		
Muenzer					X
Passidomo			X		
Sullivan			X		
Crawford			X		
(5-1)					

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Title read by City Attorney Rynders.

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 90-6137

ITEM 20

A RESOLUTION APPROVING THE FINAL SUBDIVISION PLAT FOR AN 11 LOT SINGLE FAMILY SUBDIVISION TO BE KNOWN AS SOUTHPOINTE YACHT CLUB LOCATED AT THE END OF FERN STREET, SOUTH OF THE WINDSTAR DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 90-6138

ITEM 21

A RESOLUTION PROVIDING FOR AN EXCEPTION TO THE COMPREHENSIVE DEVELOPMENT CODE AND APPROVING A PARCEL OF PROPERTY LOCATED AT 595 THIRD STREET NORTH FOR CONSTRUCTION OF APPROPRIATE STRUCTURES IN ACCORDANCE WITH THE OTHER BUILDING AND ZONING CODES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that the petitioner was requesting permission to divide the property by the placement of a private street. Staff has recommended approval.

Councilman Herms expressed some concerns that the adjacent property owners had not been properly notified. Mrs. McKim noted that she had spoken to

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			Y	N	
Anderson		X	X		
Barnett			X		
Herms	X		X		
Muenzer					X
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					
Anderson	X		X		
Barnett			X		
Herms		X	X		
Muenzer					X
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					

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the property owners and they had voiced no objections to the request.

Mr. Herms then asked if there was sufficient space to provide 40 feet sided upon the project driveway in the cul-de-sac. Mrs. McKim confirmed that there was.

MOTION: To APPROVE the resolution subject to 40 feet retention upon the project driveway in the cul-de-sac area.

---RESOLUTION NO. 90-6139

ITEM 22

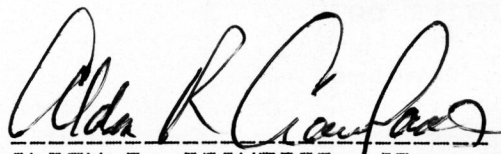
A RESOLUTION AUTHORIZING THE CITY TO ENGAGE THE SERVICES OF MITCHELL & STARK CONSTRUCTION COMPANY IN PARTICIPATION WITH THE COUNTRY CLUB OF NAPLES FOR THE EXPANSION OF A LIFT STATION AND FORCE MAIN IN ORDER TO ACCOMMODATE FUTURE NEEDS OF THE SYSTEM; AND PROVIDING AN EFFECTIVE DATE.


Title read by City Attorney Rynders.

MOTION: To APPROVE the resolution as presented.

CORRESPONDENCE AND COMMUNICATIONS: None.

ADJOURN: 4:35 p.m.


ALDEN R. CRAWFORD, JR.,
Mayor


JANET CASON
City Clerk

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			X		
Barnett		X	X		
Herms	X		X		
Muenzer					X
Passidomo			X		
Sullivan			X		
Crawford			X		
(6-0)					
Anderson			X		
Barnett	X		X		
Herms			X		
Muenzer					X
Passidomo			X		
Sullivan		X	X		
Crawford			X		
(6-0)					

SUPPLEMENTAL ATTENDANCE LIST

Wayne Barwise
W.W. Haardt
Charles Andrews
Brett Moore
C.A. Reinbolt
Jack Barr
Gilbert Weil
Tom Brown

Harry Cunningham
Rev. Harold Brown
A. Bruce Durkee
Michael Stephens
Dr. Fran Stallings
Tim Jones
Jim Siesky
Leonard Nix

J. Sandy Scatena
Stephen R. Ball
Lee Layne
Sue B. Smith
Jack Conroy
Robert Galloway
Pam Mac'Kie

Other interested citizens and visitors.

NEWS MEDIA

Jerry Pugh, Palmer TV-10
Gina Binole, Naples Daily News



City of Naples

EMPLOYEE RECOGNITION PROGRAM

Employment Anniversaries Between January 1, 1990 and June 30, 1990

-----FIVE YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
Edward J. Traczyk	Police	1/02/85	Police Officer
EDWIN win F. Tag	Police	1/07/85	Service Worker I
Patricia L. Rambosk	City Attorney	3/12/85	Legal Assistant
A James T. McEvoy	Fire	4/08/85	Fire Lieutenant
Ignacio Deltoro	Engineering	5/01/85	Equipment Operator III
A Gilda Gilman	City Clerk	5/06/85	Microfilm Operator
Roy A. Wiborg	Utilities	6/26/85	Service Worker III

-----TEN YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
Timothy Witherite	Fire	1/28/80	Fire Lieutenant
Joan N. Resnick	Fire	2/11/80	Administrative Clerk I
. Lamar Conley	Police	3/03/80	Police Officer
Edward L. Chestnut	Police	3/10/80	Parking Checker

Employee Recognition Program
Page 2-----TEN YEARS-----
(cont.)

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
Michael J. Dudash	Utilities	3/17/80	Utility Plant Maint. Tech.
Brian S. Cress	Fire	5/12/80	Firefighter
Paul C. Reble, Jr.	Police	5/27/80	Police Chief
Deborah K. Johnson	Community Services	6/09/80	Enterprise Operations Supv.
Frank A. Davis	Fire	6/16/80	Fire Lieutenant

-----FIFTEEN YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
Terry L. Fedelem	Community Services	1/02/75	Parks & Parkways Supt.
Paul Whittaker	Police	1/13/75	Police Lieutenant
Dennis H. Gant	Engineering	1/23/75	Street Construction Supv.
Jacqueline M. Sloan	Community Services	2/13/75	Recreation Aide II
Kenneth G. Lewis	Police	2/17/75	Police Officer
Tara A. Norman	City Manager	2/18/75	Administrative Assistant to City Manager
David V. Smith	Fire	6/02/75	Firefighter

Employee Recognition Program

e 3

-----TWENTY YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
Arlene Guckenberger	Community Development	1/12/70	Permit Clerk
A Timothy Hendrixson	Community Development	1/28/70	Building Inspector
Norvell Johnson	Utilities	2/10/70	Crew Leader III
William D. Roland	Engineering	2/24/70	Crew Leader III
A Henry Black	Utilities	3/24/70	Equipment Operator V
A Jack O. Perry	Utilities	3/26/70	Equipment Operator V
Jerry G. Diddle	Utilities	4/27/70	Utility Plant Maint. Tech.
Kenneth A. Ferrell	Police	5/04/70	Police Sergeant
A ^{EDWARD} ward McCarter	Utilities	5/04/70	Crew Leader III
Frank Williams	Utilities	5/12/70	Utilities Coordinator

-----TWENTY-FIVE YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Classification</u>
A M. H. Griffin	Utilities	1/20/65	Commercial Refuse Supv.
A William Shoemaker	Utilities	3/31/65	Crew Leader III

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME PASSIDOMO, JOHN MICHAEL		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Naples City Council	
MAILING ADDRESS 2200 South Winds Drive Collier		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY Naples,	COUNTY	NAME OF POLITICAL SUBDIVISION: Naples	
DATE ON WHICH VOTE OCCURRED July 18, 1990		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

You should disclose orally the nature of your conflict in the measure before participating.

You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John M. Passidomo, hereby disclose that on July 18, 19 90 :

(a) A measure came or will come before my agency which (check one)

 inured to my special private gain; or

X inured to the special gain of Marjorie Fortgang et al, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

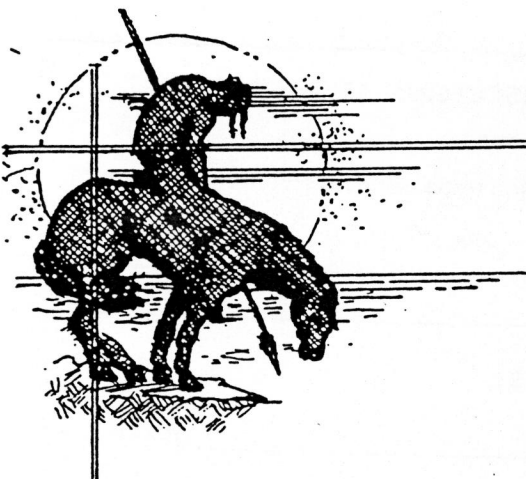
Marjorie, Matthew and Susan Fortgang have made application for a coastal construction setback line variance (agenda item #8). My law firm represented the Fortgangs in May 1989 when they acquired the property for which they are now requesting a variance. We did not represent the Fortgangs prior to May 1989 and do not currently represent them. I will, nonetheless, abstain from voting, participating in City Council deliberations, or otherwise attempting to influence the outcome of the vote.

July 18, 1990

Date Filed

John Passidomo
Signature John M. Passidomo

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.



Trails End Motel

309 Tamiami Trail South
Naples, Florida 33940

July 17, 1990

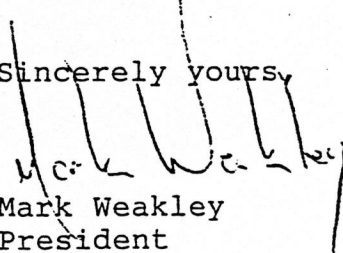
To: Mayor and Naples City Council
735 8th St. S
Naples, FL 33940

Dear Sirs,

Please withdraw our Variance Petition, 90-V5, which was to allow two non-conforming signs to remain on site until Phase II construction of our previous approved Pud.

Attached is a contract with Signs & Things to setback and rebuild our existing signs. It will take approximately 30-45 days to complete.

Sincerely yours,


Mark Weakley
President
Bomark, Inc.

