



# City of Naples

## City Council Minutes

Regular Meeting 12-18-91

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
BILL OF RIGHTS BICENTENNIAL MINUTE			1
ANNOUNCEMENTS			5
APPROVAL OF MINUTES:			5
Workshop Meeting			August 19, 1991
Special Meeting			November 19, 1991
Regular Meeting			November 20, 1991
Special Meeting			November 25, 1991
Regular Meeting			December 4, 1991
<u>PURCHASING:</u>			
-BID AWARD for purchase of six utility truck bodies		91-6508	5
-BID AWARD for purchase of seven microcomputers		91-6509	6
-BID AWARD for an annual contract for motor stator repairs		91-6510	
-ANNUAL CONTRACT with Employee Assistance Services of Southwest Florida		91-6511	6
<u>RESOLUTIONS:</u>			
-APPOINT one member to Airport Authority		91-6512	7
-APPOINT one member to Moorings Bay System Special Taxing District		91-6513	7
-APPROVE proposed amendments to the Comprehensive Plan		91-6514	14
-APPROVE provisions of the City self-funded health insurance plan		91-6517	17
-APPROVE City Attorney contract (Maria J. Chiaro)		91-6518	18
<u>ORDINANCES - Second Reading:</u>			
-ADOPT to allow construction of additional docking space at Naples Sailing and Yacht Club		91-6515	14
-ADOPT to issue industrial revenue bonds for Naples Community Hospital		91-6516	15
<u>ORDINANCES - First Reading:</u>			
-TABLE impact fees for fire, police, parks and recreation, and general government		91-	9
-APPROVE restriction to lawn maintenance		91-	
-APPROVE to regulate and license the sale of fire-works		91-	
-APPROVE to amend Comprehensive Plan into comformance with City zoning regulations thereby increasing local housing options		91-	13



City Council Minutes

Regular Meeting 12-18-91

*City of Naples*

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
Page 2			
<u>ORDINANCES</u> - First Reading: (cont)			
-APPROVE amending a section of the Comprehensive Development Code titled floodplain management		91-	17
CORRESPONDENCE AND COMMUNICATIONS			18

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940



CITY COUNCIL MINUTES

Time 9:04 a.m.

Date 12-18-91

Mayor 'Anderson called the meeting to order and presided.

**ROLL CALL**

**ITEM 3**

Present: Kim Anderson, Mayor

John M. Passidomo, Vice Mayor

William E. Barnett

R. Joseph Herms

Alan R. Korest

Paul W. Muenzer

Fred L. Sullivan

Council Members

**Also Present:**

Dr. Richard L. Woodruff, City Manager

Norris C. Ijams, Asst. City Manager

David Rynders, City Attorney

William Harrison, Finance Director

Ann (Missy) McKim, Community Development Dir.

Tom Smith, Fire Chief

John Cole, Chief Planner

Sheldon P. Reed, Fire Marshal

George Henderson, Sergeant-At-Arms

Marilyn McCord, Recording Secretary

See Supplemental Attendance List - Attachment #1

\*\*\*

\*\*\*

\*\*\*

**ITEM 1**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Father Charles Sullivan  
St. Ann's Catholic Church

\*\*\*

\*\*\*

\*\*\*

**ITEM 2**

**BILL OF RIGHTS BICENTENNIAL MINUTE**

Mayor Anderson introduced Father Charles Sullivan  
of St. Ann's Catholic Church, who presented the

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	



CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

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	

Bicentennial Bill of Rights Minute regarding the First Amendment, guaranteeing the freedom of religion. Father Sullivan's commentary was as follows:

"I consider it a great privilege and I thank you for the opportunity to speak on the special section of the First Amendment of the Bill of Rights, which states: 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.' First of all, let us be mindful that problems of religious freedom have existed throughout recorded history and religious intolerance ranks high among the causes of persecution and bloodshed. Europe was crippled by religious wars in the Sixteenth and Seventeenth centuries. In the Eighteenth century, most of the European states had established churches and dissenters from the orthodoxy were persecuted.

"Many of our early settlers, notably the Puritans of New England, came to America to escape religious persecution, but intolerance soon arose in the Colonies. In light of the situation, our forefathers certainly believed that the civil right to religious liberty was meant to enable humanity to act in good conscience. If everyone were allowed to behave according to their conscience, then freedom from coercion must be granted to all citizens without distinction. In this spirit was the First Amendment adopted.

"In the same vein, the right to religious freedom has its foundation not in the subjective disposition of the person, but in his very nature. In consequence, the right to immunity continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it and the exercise of this right is not to be impeded, provided that just public order is observed.

"In a special fall issue on the Bill of Rights, that is no doubt why Life magazine stated, 'Hope is what the First Amendment is based on. The



CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

hope that citizens left to their own rafts and rivers, behave well toward one another.' In studying the enactment of this phase of the Amendment, the great contribution in 1786 of Thomas Jefferson and James Madison must be noted. In leading a movement to prevent the Virginia Legislature from renewing the state's levy tax for support of the established church, they succeeded in having the Assembly enact the famous Virginia Bill for Religious Liberty. Its preamble proclaims that Almighty God had created the mind free, that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations tend only to beget habits of hypocrisy and meanness and that to compel a man to furnish contributions to the propagation of opinions he disbelieves is sinful and tyrannical. It was against this background that Madison introduced in Congress the resolution which became the First Amendment to the United States Constitution in 1791.

"Today it is surprising that in the country that exalts freedom of worship as a sacred right, in the past decade alone, the Supreme Court has decided more religious cases than ever before and each day brings a fresh crusade. The fight, as Time magazine has recently stated, is not so much over what people ought to believe, it is over what they can say and where and to whom. The battleground spreads from the courtroom to the schoolroom and to the town square.

"Basically, there are two sides. The separation is to argue that church and state must remain clearly apart and the government should not be in the business of endorsing one faith or another. The accomodationists believe that the wall of separation between church and state has grown too thick and cost too much. By isolating God from public life they argue, the courts have replaced freedom of religion with freedom from religion. Time rightfully concludes, the courts need to find a better balance between separation and accommodation and Americans need to respect the new religious freedom they would gain as a

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

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	

result. And of course, such a solution would protect the public order, namely to effectively safeguard the rights of all citizens and to settle conflicts of rights peacefully. Secondly, for adequate maintenance of genuine public peace which comes about when men and women live together in good order and in true justice. And thirdly, for a proper guardianship of public morality.

"In conclusion, no matter how passionate the debate, no matter how many the number of federal or state court cases, no matter how extreme are the participants, we have a Bill of Rights. A system that gives us total freedom, that can make us truly human and if we so desire, elevate us to the realm of the divine. What a blessing we possess and how grateful to our forefathers should we be for making that gift not just a dream but an everyday reality. I would like to end with a personal note. When people ask me of what faith I am, I do not tell them Roman Catholic, but I tell them in fact I am American Catholic and proud of it."

Mayor Anderson stated that it had been Council's pleasure to dedicate a few minutes at each Council Meeting since September 18th to the Anniversary of the Bill of Rights. Surely, she said, as the Constitution has empowered the two branches of government, the Bill of Rights has preserved the citizens' freedoms as well. The Mayor thanked Vice Mayor Passidomo for bringing the Bill of Rights' Two Hundredth Anniversary to Council's attention and for initiating these programs and all those who had presented a "Bill of Rights Bicentennial Minute." Those included: Jeff Lytle - Freedom of the Press on September 18, 1991; Judge William Blackwell, the right to keep and bear arms on October 2, 1991; Gerald MacKenzie, the right to an impartial jury on October 16, 1991; Sue Smith, the right of the citizens to petition government for redress of grievances on November 6, 1991; City Manager Richard Woodruff, life, liberty and property without due process on November 20, 1991; Thomas

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

Osteen, unreasonable search and seizure on December 4, 1991; and Father Charles Sullivan, freedom of religion on December 18, 1991.

\*\*\*

\*\*\*

\*\*\*

ITEM 4

**ANNOUNCEMENTS**

City Manager Woodruff reminded everyone that there would be a City Council Special Meeting that evening at 5:05 p.m. regarding the rezoning for the Port Royal subdivision and discussion with regard to the Comprehensive Housing Assistance Strategy.

**\*\*\*\*\*CONSENT AGENDA\*\*\*\*\***

NOTE: City Manager Woodruff requested that Item 9 be removed from the Consent Agenda.

ITEM 5

**APPROVAL OF MINUTES**

Workshop Meeting	August 19, 1991
Special Meeting	November 19, 1991
Regular Meeting	November 20, 1991
Special Meeting	November 25, 1991
Regular Meeting	December 4, 1991

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 91-6508**

**ITEM 6-a**

A RESOLUTION AWARDED CITY BID #92-28 FOR THE PURCHASE AND INSTALLATION OF SIX (6) UTILITY TRUCK BODIES; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

\*\*\*

\*\*\*

\*\*\*



## CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

COUNCIL  
MEMBERSM  
O  
T  
I  
O  
NS  
E  
C  
O  
N  
D

VOTE

Y  
E  
SN  
OA  
B  
S  
E  
N  
T

## RESOLUTION NO. 91-6509

## ITEM 6-b

A RESOLUTION AWARDDING CITY BID #92-33  
FOR SEVEN (7) MICROCOMPUTERS FOR  
VARIOUS DEPARTMENTS; AUTHORIZING THE  
CITY MANAGER TO ISSUE A PURCHASE ORDER  
THEREFOR; AND PROVIDING AN EFFECTIVE  
DATE.

\*\*\*

\*\*\*

\*\*\*

## RESOLUTION NO. 91-6510

## ITEM 6-c

A RESOLUTION AWARDDING CITY BID #92-27  
FOR THE ESTABLISHMENT OF AN ANNUAL  
CONTRACT FOR MOTOR STATOR REPAIRS;  
AUTHORIZING THE CITY MANAGER TO ISSUE A  
BLANKET PURCHASE ORDER THEREFOR; AND  
PROVIDING AN EFFECTIVE DATE.

\*\*\*

\*\*\*

\*\*\*

## RESOLUTION NO. 91-6511

## ITEM 7

A RESOLUTION AUTHORIZING THE CITY  
MANAGER AND CITY CLERK TO EXECUTE A  
CONTRACT FOR A PERIOD OF ONE YEAR WITH  
EMPLOYEE ASSISTANCE SERVICES OF  
SOUTHWEST FLORIDA FOR CONTINUATION OF  
THE EMPLOYEE ASSISTANCE PROGRAM; AND  
PROVIDING AN EFFECTIVE DATE.

\*\*\*

\*\*\*

\*\*\*

## ITEM 8

SPECIAL EVENT: GREAT DOCK CANOE RACE  
ON MAY 9, 1992. (REQUESTED BY  
COMMUNITY DEVELOPMENT DEPARTMENT)

MOTION: To APPROVE Items 5, 6-a, 6-b,  
6-c, 7, and 8.

\*\*\*

\*\*\*

\*\*\*

Barnett  
Herms  
Korest  
Muenzer  
Passidomo  
Sullivan  
Anderson  
(7-0)

X  
XX  
X  
X  
X  
X  
X  
X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

**RESOLUTION NO. 91-6512**

**ITEM 10**

**A RESOLUTION APPOINTING ONE MEMBER TO  
THE CITY OF NAPLES AIRPORT AUTHORITY;  
AND PROVIDING AN EFFECTIVE DATE.**

**MOTION:** To APPOINT Werner W. Haardt  
to the City of Naples Airport  
Authority.

Council Member Muenzer noted that Council had discussed the possibility of selecting an Alternate Board Member as well. City Attorney Rynders told Council that in order to amend the Airport Authority Charter, it would be necessary for the State Legislature to adopt a Special Act, and that could not be accomplished until the 1993 Legislative session. It was the consensus of Council that the new City Attorney receive instructions with regard to requesting a change to the Airport Authority Charter at the appropriate time.

City Manager Woodruff asked that the record reflect that Mr. William Tracy had distributed a letter to each Council Member with the reminder that he had been interviewed for the Airport Authority and was still available for that position.

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 91-6513**

**ITEM 11**

**A RESOLUTION APPOINTING ONE MEMBER TO  
THE MOORINGS BAY SYSTEM SPECIAL TAXING  
DISTRICT CITIZENS ADVISORY COMMITTEE;  
AND PROVIDING AN EFFECTIVE DATE.**

In response to City Manager Woodruff's question, the City Attorney said that although the current vacancy was due to expire on April 5, 1992, language could be added to the resolution extending that date for a period of three years.

# City Council Minutes

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	
Barnett			X		
Herms		X	X		
Korest			X		
Muenzer	X		X		
Passidomo			X		
Sullivan			X		
Anderson			X		
(7-0)					
Barnett			X		
Herms			X		
Korest		X	X		
Muenzer			X		
Passidomo	X		X		
Sullivan			X		
Anderson			X		
(7-0)					



CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

FOR CREDITS; PROVIDING FOR FUNDS COLLECTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO PROVIDE IMPACT FEES FOR FIRE, POLICE, PARKS AND RECREATION, AND GENERAL GOVERNMENT.

Title read by City Attorney Rynders.

City Manager Woodruff distributed information to Council which compared impact fees paid by some of the City's major developments compared to the proposed maximum allowable fees. Dr. Woodruff pointed out that impact fees cover many different items and must be kept in separate accounts and not commingled. An accounting system must be set up in order to keep those fees separate. The City Manager verified that the impact fees would go into the Capital Improvements Program for each category.

Dr. Woodruff brought attention to the fact that Council had authorized expansion to the Fire Station, however, since impact fees have not been in effect long enough to pay for that project, funds must be derived from some other legal source. Had impact fees been established ten years ago, said Dr. Woodruff, much of that cost could have been offset.

The City Manager explained that should Council adopt these fees, the budget next year would not go down in millage nor would utility fees go down. These fees constitute "preventive medicine," he noted, and hold down the possibility for future increases.

City Attorney Rynders told Council that the power of local governments to levy taxes and charges was strictly limited by the State Constitution. When impact fees were first instituted, some municipalities found that they had exceeded what was allowed by the State. However, said Attorney

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

COUNCIL  
MEMBERS

M  
O  
T  
I  
O  
N

S  
E  
C  
O  
N  
D

VOTE  
Y  
E  
S  
N  
O

A  
B  
S  
E  
N  
T

Rynders, the Supreme Court finally ruled that to the extent that impact fees were segregated and utilized for growth, they were legal. If impact fees exceed the amount needed to cover growth, they are illegal.

Council Member Herms inquired about one additional unit of park land and one football field which are listed in the Comprehensive Plan. City Attorney Rynders said that the consultants who did the impact fee study were extremely cognizant of realistic growth levels. Vice Mayor Passidomo reminded Council that there was no commercial impact fee for Parks and Recreation, only residential.

Discussion ensued with regard to staff's calculations of the need for an additional football field and per capita costs for Parks and Recreation. Council Member Herms said that he was very uncomfortable with the amount of money being discussed and requested that someone carefully review the fees to ensure that the figures provided by the consultants were truly those figures needed in the future rather than in the past. He said, "I want to ensure that whatever costs we assume are true costs for the future."

**MOTION:** To TABLE this item until all numbers are reviewed by the Finance Department.

Vice Mayor Passidomo voted against tabling the item, emphasizing that the proposed figures were legally defensible and that Council had already had forty-five days in which to review the matter.

\*\*\*

\*\*\*

\*\*\*

ORDINANCE NO. 91-

ITEM 13

AN ORDINANCE REWORDING THE TITLE TO  
SUBSECTION 8-9(C); CREATING A NEW  
SUBSECTION 8-9(C)(1)(d) OF THE

Barnett  
Herms  
Korest  
Muenzer  
Passidomo  
Sullivan  
Anderson  
(4-3)

X  
X  
X  
X  
X  
X  
X

X  
X  
X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	
<p>COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO RESTRICT LAWN MAINTENANCE MOTORS ON SATURDAY AND SUNDAY BEFORE 8:00 A.M.</p> <p>Title read by City Attorney Rynders.</p> <p>City Manager Woodruff told Council that this ordinance would simply change the allowable starting time for all motorized lawn equipment to 8:00 a.m. on Saturdays and Sundays. He assured Council that notices would be sent to all City lawn maintenance firms adding that this could be accomplished between now and second reading of the ordinance.</p> <p>Owner of a lawn service company, Mr. Dave Schewe, addressed Council and said that although he could understand the reasoning behind the restriction of weekend hours, he was concerned that restrictions may carry over into the weekdays. Mr. Schewe added that he saw no problem with a 7:00 p.m. quitting time.</p> <p><b>MOTION:</b> To <u>APPROVE</u> the ordinance at first reading, including an effective date of February 2, 1992.</p> <p>***</p> <p>ORDINANCE NO. 91-</p> <p>AN ORDINANCE REGULATING THE SALE OF FIREWORKS; PROVIDING FOR PERMITS TO BE ISSUED BY THE FIRE MARSHALL; REQUIRING AN OCCUPATIONAL LICENSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REGULATE AND LICENSE THE SALE OF FIREWORKS AND REQUIRE PERMITS FOR PUBLIC DISPLAY OR AGRICULTURAL USES OF FIREWORKS.</p>					
<p>Barnett</p> <p>Herms</p> <p>Korest</p> <p>Muenzer</p> <p>Passidomo</p> <p>Sullivan</p> <p>Anderson</p> <p>(6-1)</p>		X			
			X		
				X	
				X	
				X	
				X	
				X	
				X	
				X	
				X	

ITEM 14





CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

PURPOSE: TO AMEND THE COMPREHENSIVE PLAN TO RECOGNIZE AN EXISTING MOBILE HOME PARK AND PROVIDE A MECHANISM BY WHICH IT CAN BE BROUGHT INTO CONFORMANCE WITH CITY ZONING REGULATIONS THEREBY INCREASING LOCAL HOUSING OPTIONS.

Title read by City Attorney Rynders.

City Manager Woodruff explained that the owners of Naples Mobile Home Park would be allowed at some future date to submit a PD (Planned Development).

Mr. Randy Clark of 105 Enchanting Boulevard, representing the Mobile Home Park, asked if permits for improvements would be required. The City Manager explained that the proposed ordinance reflected a change in the City's Comprehensive Plan and must be forwarded to the State Department of Community Affairs (DCA) for approval which could take as long as six months. Once the DCA has concurred with the changes, Council can adopt this ordinance at second reading at which time the property owner may submit a rezoning petition requesting PD zoning.

Community Development Director McKim said that the PD could be approved at the same time as second reading of the ordinance, which would shorten the process by approximately two months. Ms. McKim explained that staff had allowed recreational vehicles this season, however, improvements to existing mobile homes had not been allowed.

Council Member Herms expressed concern with respect to the health, safety and welfare of the people in the mobile home park community and pointed out that he did not know of any other area where the City had not allowed repairs to facilities. City Manager Woodruff noted that expansion of the liveable quarters was not

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

allowed, however, repairs such as new roofs, air conditioning installations, etc. were permitted.

Mr. Clark thanked Council and staff for their help.

**MOTION:** To APPROVE the ordinance at first reading.

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 91-6514**

**ITEM 16**

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

Title read by City Attorney Rynders.

**MOTION:** To APPROVE the resolution as presented.

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE NO. 91-6515**

**ITEM 17**

AN ORDINANCE APPROVING REZONE PETITION 91-R7, REZONING PROPERTY AT 896 RIVER POINT DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM "C2-A", WATERFRONT COMMERCIAL, TO "PD", PLANNED DEVELOPMENT, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

**PURPOSE:** TO ALLOW THE CONSTRUCTION OF ADDITIONAL DOCKING SPACES AT THE NAPLES SAILING AND YACHT CLUB.

Title read by City Attorney Rynders.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Barnett	X		X		
Herms			X		
Korest			X		
Muenzer		X	X		
Passidomo			X		
Sullivan			X		
Anderson			X		
(7-0)					
Barnett		X	X		
Herms			X		
Korest	X		X		
Muenzer			X		
Passidomo					X
Sullivan			X		
Anderson			X		
(6-0)					



## CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

**NOTE:** Council Member Korest filed a Conflict of Interest Form (Attachment #2) and excused himself from discussion of this item.

Chief Planner Cole reminded Council that discussion at the first reading of this ordinance had focused on whether there would be sufficient channel remaining in the area of the Naples Sailing and Yacht Club. Staff's position, he said, was to not pursue a land site easement.

**MOTION:** To ADOPT the ordinance at second reading.

\*\*\*

\*\*\*

\*\*\*

ORDINANCE NO. 91-6516

ITEM 18

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF NAPLES, FLORIDA, HOSPITAL REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT) IN A PRINCIPAL AMOUNT NOT EXCEEDING \$26,000,000 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 COSTS OF A CAPITAL PROJECT FOR HEALTH CARE FACILITIES; APPROVING THE ISSUANCE OF THE BONDS, THE PLAN OF FINANCING AND THE LOCATIONS AND NATURE OF SUCH PROJECT; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. PURPOSE: TO ISSUE INDUSTRIAL REVENUE BONDS FOR NAPLES COMMUNITY HOSPITAL.

Title read by City Attorney Rynders.

**MOTION:** To ADOPT the ordinance at second reading, on the basis that any administrative or

COUNCIL MEMBERS	MOTION	S E C O N D	VOTE		A B S
			Y E S	N O	
Barnett		X	X		
Hermes			X		
Korest					X
Muenzer			X		
Passidomo			X		
Sullivan	X		X		
Anderson			X		
(6-0)					
Barnett			X		
Hermes	X		X		
Korest			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Anderson			X		
(7-0)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

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>legal fees incurred at cost to the City previous to the adoption of this ordinance until the bond issue is completed will be assessed to the Hospital. Any fees due the City Attorney will be paid directly to the City.</p> <p>Mrs. Sue B. Smith of 15 11th Avenue South, addressed Council. She asked if any other communities issued bonds for a private hospital entity, and if so, which communities. Mrs. Smith also inquired if there was in fact language stating that the City Attorney would not receive a fee from the Hospital in this matter. Council Member Herms told Mrs. Smith that he had specified, within his motion, that any legal fees would be assessed to the Hospital.</p> <p>Mrs. Smith asked Council if, because bonds issued under the "umbrella" of City government were more attractive on the selling market, that indicated the City was offering certain benefits to the Hospital. She inquired what would happen to the City's rating should the bond issue experience problems. The City Attorney assured her that the City's rating would not be affected.</p> <p>City Manager Woodruff pointed out that the City's AAA rating was certainly of benefit to the Hospital and in his opinion the City should want to help a sister agency.</p> <p>Mrs. Smith said that it would be very helpful to the citizens if there was a complete record of all similar future matters. She concluded by commenting, "When we go to the Hospital as citizens, we are expected to pay. When the City is entering into matters, please define for us what's going on."</p> <p>***</p>					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

CITY OF NAPLES, FLORIDA		COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
City Council Minutes	Date 12-18-91				Y E S	N O	
ITEM 19							
NOTE: At staff's request, Item 19 was continued to the January 15, 1992 City Council Meeting.							
***	***						
ITEMS 20, 21, 22, 23							
NOTE: At staff's request, Items 20, 21, 22, and 23 were continued to the January 15, 1992 City Council Meeting.							
***	***						
ORDINANCE NO. 91-	ITEM 24						
AN ORDINANCE AMENDING SECTION 10-4 OF THE COMPREHENSIVE DEVELOPMENT CODE, TITLED FLOODPLAIN MANAGEMENT; AND PROVIDING AND EFFECTIVE DATE.							
Title read by City Attorney Rynders.							
MOTION:	To <u>APPROVE</u> the ordinance at first reading.	Barnett	X		X		
		Herms			X		
		Korest			X		
		Muenzer		X	X		
		Passidomo			X		
		Sullivan			X		
		Anderson			X		
		(7-0)					
***	***						
RESOLUTION NO. 91-6517	ITEM 25						
A RESOLUTION AMENDING CERTAIN PROVISIONS OF THE CITY OF NAPLES SELF-FUNDED HEALTH INSURANCE PLAN; AND PROVIDING AN EFFECTIVE DATE.							
Title read by City Attorney Rynders.							

17



CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

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>City Manager Woodruff told Council that the City's health insurance plan was an exceptionally good plan and that the proposed amendments would ensure that the fund stayed "in the black."</p> <p><b>MOTION:</b> To <u>APPROVE</u> the resolution as presented.</p> <p><u>Mayor Anderson requested that staff supply copies of those types of claims incurred by the Police Department to Detective John Holloway and the FOP (Federal Order of Police).</u></p> <p>***</p> <p><b>RESOLUTION NO:</b> 91-6518</p> <p><b>ITEM 26</b></p> <p><b>A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT TO APPOINT MARIA J. CHIARO AS CITY ATTORNEY FOR THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.</b></p> <p><b>MOTION:</b> To <u>APPROVE</u> the resolution as presented.</p> <p>City Manager Woodruff introduced future City Attorney, Maria Chiaro, to Council. Ms. Chiaro told Council that she looked forward to working with them and would be on the job beginning January 13, 1992.</p> <p>Finance Director Harrison noted that because of the change from a part-time to a full-time City Attorney, a resolution would be on the next agenda to move funds from the Contingency Fund in order to finance the City Attorney's budget.</p> <p>***</p> <p><b>CORRESPONDENCE AND COMMUNICATIONS</b></p> <p>City Manager Woodruff told Council that they would be meeting with the Code Enforcement Board at a City Council Workshop Meeting, scheduled for January 13th.</p>					
Barnett			X		
Herms			X		
Korest	X		X		
Muenzer			X		
Passidomo			X		
Sullivan		X	X		
Anderson			X		
(7-0)					
Barnett		X	X		
Herms			X		
Korest			X		
Muenzer			X		
Passidomo			X		
Sullivan	X		X		
Anderson			X		
(7-0)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-18-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

SUPPLEMENTAL ATTENDANCE LIST

December 18, 1991 - City Council Regular Meeting

William Tracy  
Sue B. Smith  
Charles Rhoades  
Charles Andrews  
Dave Schewe  
B. R. Ertell  
Ed Morton  
Thomas R. Brown

Werner W. Haardt  
Fred Tarrant  
Odlie Tarrant  
Maria J. Chiaro  
Randy Clark  
Thomas R. Brown  
Scott Browne

NEWS MEDIA

Wendy Fullerton, Fort Myers News-Press  
Eric Staats, Naples Daily News  
Carl Loveday, WNOG  
Jerry Pugh, Palmer Cablevision  
Paul Kenney, WBBH-TV



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

LAST NAME—FIRST NAME—MIDDLE NAME <b>KORREST ALAN R</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>CITY COUNCIL</b>	
MAILING ADDRESS <b>350 BOW LINE BEND</b>		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 <b>NAPLES</b>	COUNTY <b>Collier</b>	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED <b>12-18-91</b>		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.

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

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each elected or appointed 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 (including the parent organization or subsidiary of a corporate principal by which he is retained); to the special private gain of a relative; or to the special private gain of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must 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:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

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

- You must 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 must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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

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

You must 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 must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ALAN R. KOREST, hereby disclose that on DECEMBER 18, 19 91:

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

☒ inured to my special private gain; (OR COULD INURE)

☐ inured to the special gain of my business associate, \_\_\_\_\_;

☐ inured to the special gain of my relative, \_\_\_\_\_;


☐ inured to the special gain of \_\_\_\_\_, by whom I am retained; or

☐ inured to the special gain of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

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

Rezoning petition of NAPLES SAILING & YACHT CLUB TO "P1D" ALLOWING THE CONSTRUCTION OF ADDITIONAL BOAT SLIPS. I AM A MEMBER AND WAS ON THE BOAT SLIP WAITING LIST AND MAY IN THE FUTURE APPLY FOR A BOAT SLIP. SINCE ACQUISITION OF A BOAT SLIP HAS ECONOMIC BENEFIT, A CONFLICT POTENTIALLY EXISTS

12-18-91  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1991), 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.