

City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting - December 2, 1992 - 9:00 a.m.**

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Mayor Muenzer called the meeting to order and presided

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**ROLL CALL**

**ITEM 2**

**Present:** Paul W. Muenzer, Mayor  
Fred L. Sullivan, Vice Mayor

Council Members:  
Kim Anderson  
R. Joseph Herms  
Alan R. Korest  
Ronald M. Pennington  
Peter H. Van Arsdale

**Also Present:**

Dr. Richard L. Woodruff, City Manager  
Maria J. Chiaro, City Attorney  
Missy McKim,  
Community Development Director  
Ann N. Walker, Planner II  
William Harrison, Finance Director  
Dan Mercer,  
Interim Public Works Director  
Leighton D. Westlake  
Engineering Manager  
Sheldon P. Reed, Fire Marshal  
Mary Kay McShane,  
Human Resources Director

Dr. Jon C. Staiger,  
Natural Resources Manager  
Shirley Mann, Training &  
Development Coordinator  
George Henderson, Sergeant At Arms  
Tara A. Norman, Deputy City Clerk  
Marilyn McCord, Deputy City Clerk

See Supplemental Attendance List  
(Attachment #1)

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**City Council Regular Meeting - December 2, 1992**

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**INVOCATION AND PLEDGE OF ALLEGIANCE**

**ITEM 1**

Dr. Hayes Wicker, First Baptist Church of Naples

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**ITEMS TO BE ADDED**

**ITEM 3**

No items were added to the agenda.

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**ANNOUNCEMENTS**

**ITEM 4**

Item 4a Mayor Muenzer

Mayor Muenzer reviewed the speaker registration procedure and indicated that Item 10 (revised irrigation schedule ordinance) would be considered at 2:00 p.m. There would be a lunch break from approximately noon to 1:00 p.m. In addition, Mayor Muenzer noted that at the November 30th Workshop, it had been requested that Item 15 (ordinance regarding redevelopment of properties containing nonconforming guest houses) be removed from the agenda. **It was the consensus of Council that Item 15 be removed from the agenda for consideration at a future workshop.**

Item 4b City Manager Woodruff

Dr. Woodruff introduced and recognized students and instructors participating in the CASE (City Action Seminars for Education) program from Naples, Barron Collier and Lely High Schools. The program is sponsored by the Florida League of Cities. He reviewed the group's activities including touring City facilities, meeting with City staff, and discussing current issues. Each student would provide a paper to the City presenting their views on those issues. The students, he explained, had attended the CASE sessions on personal time, taking no time away from regular classes.

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**RESOLUTION NO. 92-**

**ITEM 5**

**A RESOLUTION GRANTING CONDITIONAL USE PETITION 92-CU7 FOR AN 838 SQUARE FOOT ADDITION TO THE SANCTUARY AT THE FIRST PRESBYTERIAN CHURCH, 250 6TH STREET SOUTH, DESIGNED TO ACCOMMODATE 115 SEATS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff and other members of the staff reviewed the issues involved in this petition. On October 7th, the City Council had approved an office addition at the church and a variance with reference to lot coverage but had tabled the church's request for conditional use approval of a 115 seat addition to the sanctuary until the church could provide a plan for off-site parking.

In response to Council's direction, the Fire Department had reviewed the maximum seating capacity of the present sanctuary and, according to Fire Marshal Reed, determined that 776 people could be accommodated in permanent seating and another 48 in folding chairs, or a total current maximum occupancy load of 824. This was based on fire code computations of 18 inches of space per parishioner in the pews. Fire Marshal Reed also indicated that because of wide aisles, there would be no problem utilizing the 48 folding chairs if one chair were placed at the end of each pew. Planner Ann Walker indicated, however, that the church was using 20 inches per person in their computation of permanent seating and further pointed out that the zoning code does not contain a per-person measurement like the fire code. Nevertheless, the parking requirements provided in the zoning code do not recognize whether a church facility is located in a downtown area, where public parking may be available, or more outlying location where there is no public parking.

Mayor Muenzer also noted information which had been received from Gulfview Middle School, across Sixth Street regarding the status of the pending school master plan which would most likely reduce the parking availability on the school site which had been enjoyed previously by the church.

Rusty Batcher, Church Elder, then reviewed with the Council the parking computation provided by the church showing a need for 184 parking spaces for a total capacity of 735 permanent seats, including the proposed 115 seat addition. He said that the maximum seating demand which has been experienced to date by the church at any one service was 600 to 625, although the church was making a concerted effort to spread parishioner attendance among various services. A major problem, however, had not necessarily been from attendance at one service but, instead, from the overlapping of parking demand when those attending an earlier service continued to occupy spaces when parishioners arrived for a later service. Regardless, folding chairs would never again be utilized if the additional 115 seats were permitted, he said.

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**City Council Regular Meeting - December 2, 1992**

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Dr. Woodruff also explained that it was fairly common to utilize public street parking for church services, and Planner Walker indicated that there was capacity for 132 vehicles in street parking within a two block radius of the church. To accommodate the 600 to 625 parishioners which currently attend some services, the parking requirement would be approximately 150 spaces based on one space for four seats, Dr. Woodruff explained, with an additional 29 spaces needed to accommodate the 115 seat addition.

The discussion then turned to resident complaints regarding overflow church parking on surrounding streets, and Mayor Muenzer said that he had received many calls over the years, primarily during the winter season, from people whose sprinklers had been broken and lawns damaged. He cited, in particular, complaints from residents of Second Avenue and Fifth Street. Mr. Pennington said that he doubted that the four-person-per-car standard was realistic, so the actual impact on the public must be assessed. Planner Walker indicated that research done on another church in the City had indicated that attendance averaged less than two people per car. Mr. Batcher, however, noted that previous parking problems involving the Sixth Street median had, to his knowledge, been resolved and that he was not aware of the complaints to which Mayor Muenzer referred. He said that the church was attempting to address the overall parking issue through maps, literature and verbal communication with parishioners to direct them to appropriate spaces.

Council Member Anderson said that, while she felt it would be difficult on moral grounds to vote against the church's request, the City was also responsible to the citizens living in the area surrounding the church. She, therefore, suggested a 60 day delay in Council action to research parking concerns and determine the effectiveness of the measures outlined by Mr. Batcher.

**Public Input:** None.

**MOTION:** To **CONTINUE** this item until the February 3, 1993, Regular City Council meeting and, in the interim, direct the staff to work with the church to identify parking issues and parking plans, such as revising service times and communicating parking information and policies to parishioners via fliers, maps, and other means.

Anderson	M	Y
Hermes		Y
Korest		Y
Pennington	S	Y
Sullivan		Y
Van Arsdale		Y
Muenzer		Y
(7-0)		

**M=Motion S=Second**  
**Y=Yes N=No A=Absent**

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**City Council Regular Meeting - December 2, 1992**

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(In addition, it was determined that, prior to reconsideration of this issue, individual Council Members would visit the area surrounding the church to view Sunday parking; that cars would be counted on Sunday so that this statistic could be used in future revisions of parking requirements; and that trouble spots would be identified where parking problems exist.)

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**ORDINANCE NO. 92-6810**

**ITEM 6a**

**AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE NO. 84-4448 OF THE CITY OF NAPLES, FLORIDA, ENACTED ON MARCH 21, 1984, AS AMENDED AND RESTATED BY ORDINANCE NO. 84-4564 ENACTED ON OCTOBER 3, 1984, BY AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEM AND THE REFUNDING OF CERTAIN PRESENTLY OUTSTANDING OBLIGATIONS OF THE CITY; AUTHORIZING THE ISSUANCE OF WATER AND SEWER REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1992A, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,000,000, TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF THE SERIES 1992A BONDS FROM THE REVENUES OF THE CITY'S WATER AND SEWER SYSTEM; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE HOLDERS OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff and Finance Director Harrison reviewed the issues to be considered in this proposed refunding of the City's 1987 Water & Sewer Revenue Bonds, explaining that only existing debt would be refinanced to obtain lower interest rates. No funding would be derived for new projects. Bids were to be opened at 11:00 a.m. that day and the bids awarded at the afternoon session. In addition to refunding the bonds, the City would derive sufficient proceeds to repay outstanding notes on fire equipment and the Police Building expansion. An anticipated savings of from \$30,000 to \$50,000 was anticipated through avoiding the minimum fees which must be paid on each bond issue -- one set of fees to refund the 1987 bonds and another for refinancing additional debt. The City's Capital Improvement Fund would then repay the Water & Sewer Fund for its proportionate share of debt under the 1992 bond issue.

**City Council Regular Meeting - December 2, 1992**

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**City Council Regular Meeting - December 2, 1992**

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Council Member Pennington voiced concern about loaning money across the Enterprise and General Funds in this manner, but Mr. Harrison assured him that adequate safeguards would be in place so that the two funds would be closely monitored and remain intact.

**Public Input:** None.

**MOTION:** To **APPROVE** this ordinance on second reading.

Anderson	S	Y
Herms		Y
Korest	M	Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**RESOLUTION NO. 92-6811**

**ITEM 6b**

**A RESOLUTION OF THE CITY OF NAPLES, FLORIDA, PROVIDING FOR THE REDEMPTION, ON SEPTEMBER 1, 1994, OF THE CITY'S OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 1987; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None.

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

Anderson		Y
Herms	S	Y
Korest		Y
Pennington		Y
Sullivan	M	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**RESOLUTION NO. 92-6812**

**ITEM 14**

**A RESOLUTION ADOPTING PETITION SUBMITTAL DEADLINES FOR  
THE CITY OF NAPLES COMPREHENSIVE PLAN AMENDMENTS FOR  
1993; AND PROVIDING AN EFFECTIVE  
DATE.**

Title read by City Attorney.

Community Development Director McKim explained that this resolution put in place the 1993 schedule for Comprehensive Plan amendments which would allow for completion of the process prior to the end of the year.

**Public Input:** None.

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

Anderson		Y
Herns		Y
Korest		Y
Pennington	M	Y
Sullivan	S	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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

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**APPROVAL OF MINUTES**

**ITEM 16**

City Council Workshop Meeting  
City Council Workshop Meeting

November 9, 1992  
November 16, 1992

Mayor Muenzer noted a revised Page 9 in the November 9th workshop minutes which had been distributed, and Council Member Sullivan requested that minute pages or other items submitted to the Council for insertion into their meeting packets be punched for three-ring binders.

**MOTION:** To approve the minutes of the November 9, 1992, and November 16, 1992 workshop meetings with the amendment noted above.

Anderson		Y
Herns	S	Y
Korest		Y
Pennington	M	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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

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ORDINANCE NO. 92-6813

ITEM 9

**AN ORDINANCE AMENDING SUBSECTION (2) SECTION 2.5 OF PART A, ARTICLE 2, OF THE CHARTER OF THE CITY OF NAPLES TO PROVIDE FOR FROM TIME TO TIME, BUT IN NO EVENT LESS OFTEN THAN EVERY FOUR(4) YEARS, THE APPOINTMENT OF A "BLUE RIBBON" COMMITTEE TO REVIEW THE LEVEL OF COMPENSATION AND BENEFITS FOR THE MAYOR AND COUNCIL MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff noted that a Blue Ribbon Committee had, as required by the City Charter, reviewed the compensation of Mayor and Members of Council and had recommended no change; however, the group had recommended a change in the ordinance itself so that, instead of every two years, a review committee could be appointed at four-year intervals. In further discussion it was determined that this ordinance would result in a review of Mayor and Council salaries not being undertaken until 1998. This was due to the fact that the report of the current Blue Ribbon Committee could have come to the Council as late as 1994, or just prior to the next general City election. Under the new ordinance, the Council could if it chose, call for another salary review prior to 1998.

**Public Input:** None.

**MOTION:** To **APPROVE** this ordinance on second reading.

Anderson	S	Y
Herms		Y
Korest		Y
Pennington	M	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

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RESOLUTION NO. 92-6814

ITEM 7

**A RESOLUTION GRANTING CONDITIONAL USE PETITION 92-CU9 TO SHELTON IMPORTS, INC. FOR AN AUTOMOBILE DEALERSHIP AT THE NORTHEAST CORNER OF U.S. 41 AND 8TH AVENUE NORTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff stated that this was a request to expand the Jaguar auto dealership to a filling station site to the south. Planner Ann Walker further reviewed the circumstances of this conditional use petition which she said was necessary for an auto dealer in the Highway Commercial Zoning District. In conjunction with the environmental cleanup of the filling station site, contaminated soil had been excavated, underground piping installed, and asphalt put in place to reduce the pervious area so that ground water would not intrude and skew efforts until clean-up was completed. An air stripping tower must be placed inside setback, she concluded.

It was noted that City Attorney Chiaro had provided a revised version of the resolution under consideration with a change in Section 2(6) to reflect that, rather than a new approval required should there be a change of ownership, the approval granted by the resolution would instead be void.

While complimenting Shelton Imports for the high quality of its redevelopment efforts, Council Member Herms expressed concern that the applicant would be required to again expend a \$500 application fee to carry forward the General Development and Site Plan (GDSP) review which must be done when the current conditional use expires. This was unnecessary, he said, and recommended deleting Section 2(7) of the resolution which referenced this requirement. In further discussion it was noted that, while the GDSP is similar to the conditional use process, the application fee for each is to underwrite the cost of the staff processing each application for the Planning Advisory Board (PAB). The PAB then ascertains that all requirements have been met on the final site plan. Council Member Anderson and Mayor Muenzer observed that it was now the City's goal to reduce steps by consolidating processes such as these, and Mrs. Anderson recommended that such consolidation be reviewed further by the Council at a later date..

Another concern expressed by Council Member Herms had to do with the impact fee credit should Shelton Imports remove the building which currently stands on the filling station site. Dr. Woodruff stated that a similar agreement had been reached on another filling station site and that it was anticipated that such an agreement could be concluded for this site as well.

Discussion also ensued with reference of nullification of the conditional use approval should ownership of the dealership change. Mr. Steve Shelton, owner of the dealership, indicated that his lease of the filling station site expires and must be renegotiated concurrent with the Department of Environmental Regulation certification that the site clean-up is complete.

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**City Council Regular Meeting - December 2, 1992**

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It was determined that Section 2(6) of the resolution would be amended to show that, rather than being void should ownership of the automobile dealership change, the conditional use would be subject to review. Section 2(7) was also amended to allow for submission of a water retention

Anderson	M	Y
Hermes	S	Y
Korest		Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

plan and landscape plan to the staff in conjunction with the GDSP and that the GDSP would be reviewed and approved at the staff level. In addition, a new section requiring recordation was added to protect future owners of the property.

**Public Input:** None.

**MOTION:** To **APPROVE** this resolution, as amended.

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**RESOLUTION NO. 92-6815**

**ITEM 8a**

**A RESOLUTION GRANTING VARIANCE PETITION 92-V18 FROM SECTION 8-2, LANDSCAPING, OF THE COMPREHENSIVE DEVELOPMENT CODE IN ORDER TO ALLOW THE INSTALLATION OF LANDSCAPING WHICH DOES NOT MEET DESIGN REQUIREMENTS IN CONJUNCTION WITH NEW PARKING SPACES NECESSARY TO SUPPORT AN OUTDOOR DINING AREA AT ROSIE'S WATERFRONT CAFE; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Planner Ann Walker explained that this petition was for a variance to the City's landscape design requirements in conjunction with providing the necessary parking spaces for an outdoor dining area. Because of the existing site configuration, which is a paved peninsula almost totally enclosed by seawall, it would not be possible to provide landscaping up to code requirements. A companion petition (Item 8b) was to permit construction of an awning on the west side of the building and wrapping around the south side in order to protect an outside walkway, she explained. Mrs. Walker also noted that the PAB vote had resulted in no action and no recommendation because the motion to deny the petition had failed. Concerns had been expressed that because the plan presented to them had included extensive use of planter boxes which would have required special irrigation, there was the chance that the landscaping would deteriorate. An alternative, Mrs. Walker said, would be for the Council to require that some of the asphalt area be cut out for landscaping and that it be watered automatically. Dr. Woodruff also pointed out that the code already required that viable landscaping be maintained and that the property owner, not the petitioner, would be cited should those requirements not be met.

Petitioner Scott Ascher told the Council that without the code requirement for landscaping, there was sufficient parking to accommodate the dining use at that location. He noted, however, that regardless of what type of landscaping is installed, it is in the best interest of the restaurant to maintain it in good condition. He also mentioned that other businesses on this site had chosen to upgrade which, he said, had been a by-product of the positive influence of the restaurant.

Council Member Anderson mentioned the extensive unpaved parking which was available on the site south of the Boat Haven building. Mr. Ascher indicated that the property owner, Philip Morse, had permitted restaurant employees to utilize this area when necessary. Planner Walker also noted that prior to establishment of the boat docking facility, no parking on the peninsula was recognized and all the other uses on the property had been grandfathered in under the code.

In further discussion of the landscape plan, Council Members Anderson and Van Arsdale sought a commitment from Mr. Ascher with reference to installation and maintenance of landscaping, with Mr. Van Arsdale stating a preference of compromising parking standards in favor of compromising landscaping. Mr. Ascher assured the Council that he was continuing to confer with landscape professionals for the most effective way of providing viable landscaping in conjunction with this use.

**Public Input: Philip Morse, 1320 Bald Eagle Drive**

Mr. Morse, the owner of the property on which the restaurant is located, addressed Council and called attention to the need for sufficient dockage space to accommodate safe mooring of the Rosie boat which could be impacted by landscaping too close to the seawall.

**MOTION:** To approve this resolution, as amended, to require staff approval of the final landscape plan.

Anderson	M	Y
Herms	S	Y
Korest		Y
Pennington		Y
Sullivan		Y
VanArsdale		N
Muenzer		Y
(6-1)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**RESOLUTION NO. 92-6816**

**ITEM 8b**

**A RESOLUTION GRANTING VARIANCE PETITION 92-V22 FROM SUBSECTION 7-4-16(F) OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH REQUIRES A REAR (WATERFRONT) YARD SETBACK OF 25 FEET, IN ORDER TO ALLOW THE INSTALLATION OF AN AWNING ON THE WEST SIDE OF THE EXISTING BUILDING WHICH ENCROACHES TO WITHIN FIVE FEET OF THE WATERFRONT**

**PROPERTY LINE; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Planner Ann Walker explained that this petition was to permit an awning which would extend to the face of the seawall in some locations along its length. It was recommended for approval by the PAB.

Noting the waterfront plan which had proposed walkways for the public throughout that area, Council Member Herms sought assurances that public use would indeed not be discouraged by this awning or by curtains which might be rolled down from time to time. Dr. Woodruff recommended that the Council make its intent clear that the awning would be of a light material to discourage its future conversion to a permanent structure.

Petitioner Scott Ascher pointed out that the restaurant is now permitted a maximum of 155 seats and that this number would not be increased with approval of the awning. Mrs. Walker also explained that, prior to a recent Council action to recognize this operation as a restaurant, it had been recognized only as an open air shelter for individuals waiting for the Rosie boat. This action also provided for future enclosure of the building, Mr. Pennington observed, but Mr. Ascher indicated that it was his intent to keep the building open.

In further discussion of parking issues, Council Members Van Arsdale and Korest stated that they tended to believe that individuals would not patronize a restaurant if sufficient parking had not been provided. Mr. Herms, however, noted a situation which had occurred with a nearby restaurant where parking overflowed onto a vacant lot across the street, requiring patrons to cross six lanes of traffic.

The Council also discussed the limiting of seating to 155 patrons, but City Manager Woodruff explained that the restaurant's occupational license already limited seating to that number which would be verified should there be a complaint. Nevertheless, he said, occupancy could be exceeded should additional standing patrons attend a special event or promotion, making strict enforcement of the 155 limit difficult. He also pointed out that although there was a right-turn-only restriction at the present western exit to the parking lot, it was frequently violated. Mayor Muenzer observed, however, that with completion of the US 41 widening, the entrance to the property would be moved to the south and would align with the motel entrance across the street and thus provide improved traffic flow.

**Public Input:** None.

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**City Council Regular Meeting - December 2, 1992**

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**MOTION:** To **APPROVE** the resolution, as amended: the second "Whereas" should reflect that the awning is to remain canvas in nature, or some like material, and it is not to become a permanent walled structure although roll-down protective siding is permitted for use in inclement weather; and Section 1 is to refer to conformance with attached drawings.

Anderson	M	Y
Herms		Y
Korest	S	Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

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**RECESS:** 12:20 p.m. to 1:20 p.m.

**It is noted for the record that Deputy City Clerk Tara Norman acted as recording secretary for the morning session while Deputy City Clerk Marilyn McCord acted as recording secretary during the afternoon and until adjournment.**

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**Roll call was taken after the lunch recess; all Members of Council were present.**

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**RESOLUTION NO. 92-6817**

**ITEM 13**

**A RESOLUTION GRANTING VARIANCE PETITION 92-V21 FROM SUBSECTION 7-4-2(H) OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH ESTABLISHES A MAXIMUM BUILDING HEIGHT OF THIRTY (30) FEET WITHIN THE "R1-E" SINGLE FAMILY RESIDENCE DISTRICT, IN ORDER TO PERMIT THE CONSTRUCTION OF A THIRTY-FOUR (34) FOOT TALL, SINGLE FAMILY RESIDENCE AT 2500 GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

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**City Council Regular Meeting - December 2, 1992**

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Community Development Director McKim reviewed the variance request and reminded everyone that zoning changes had been made during the spatial perception process. Ms. McKim told Council that there were approximately one dozen lots zoned "R1-E" within the City. City Manager Woodruff explained that although staff had recommended denial of the variance request, he would recommend approval, reminding Council that the PAB and staff are not allowed the same flexibility as is Council.

Attorney for the petitioner Pamela Mac'Kie described the proposed construction and setbacks, and agent John Remington told Council that the adjoining property owners had no objections to the proposal. Mr. Remington noted that the State permitting process had taken more than one year. He suggested that Council consider changing the zoning requirements back to what they were previously, before the spatial perception ordinance was adopted, so that the four nonconforming homes along the beach would become conforming structures.

**Public Input:** None

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

Council discussed the possibility of restoring the former zoning regulations. It was the consensus of Council to direct staff to prepare zoning guidelines for "R1-E" that recognize the unique character of the properties in question.

Anderson		Y
Hermes	M	Y
Korest		Y
Pennington		Y
Sullivan	S	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**RESOLUTION NO. 92-6818**

**ITEM 12**

**RESOLUTION ACCEPTING BID AND AWARDING WATER AND SEWER REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1992A, OF THE CITY OF NAPLES, FLORIDA, TO THE SUCCESSFUL BIDDER; APPROVING AND ACCEPTING THE COMMITMENT FOR A POLICY OF MUNICIPAL BOND INSURANCE; APPROVING THE PRELIMINARY OFFICIAL STATEMENT FOR THE BONDS; DESIGNATING THE BOND REGISTRAR AND PAYING AGENT FOR THE BONDS AND ESCROW HOLDER; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

The matter was reviewed by Finance Director Harrison and Financial Advisor Craig Dunlap of the firm of Evensen Dodge. Mr. Dunlap told Council that seven bids had been received this morning. He also advised Council, "Given the history of the water and sewer and some past problems, I can safely say that by the number of bids you got, whatever problems you had have been forgotten by the investing community, and consequently the rate of interest that you got on these bonds is extremely aggressive and very low." Mr. Dunlap announced that the winning bid was received from PaineWebber; the other bidders were from Raymond James, William R. Huff, Merrill Lynch, A.G. Edwards, Alex Brown, and Prudential Securities. Three other bids were submitted, however they came in after the 11:00 a.m. deadline and could not be accepted. Mr. Dunlap advised that the true interest cost rate of the PaineWebber bid was 5.2761% and maturity dates range from 1993 through 2000.

Mr. Dunlap reviewed the savings which will be realized by the City, totalling \$277,726.56. He said further that the interest rates in general and the reputation of the City and the local community all were contributing factors to the low interest rate. He told Council that as the City's Financial Adviser, he was prepared to recommend approval of the resolution and to award the bid to PaineWebber.

**Public Input:**

**Sue B. Smith, 15 11th Avenue South**

In response to Mrs. Smith's inquiry, Mr. Dunlap outlined the expenses involved with the bond issuing and pointed out that the savings he had previously quoted did include payment of all those expenses. Paying off both loans and merging into one issue avoided duplication of costs. The action had been requested by staff. Mrs. Smith then asked what the total indebtedness of the City was at this point in time. Mr. Harrison said that approximately \$40 million is owed by the City, of which approximately \$30 million is water and sewer and approximately \$10 million is the debt of the Utility Tax Fund. There are no general obligation bonds outstanding.

Mrs. Smith said that she appreciated the efforts of everyone who had taken part in this matter. However, she noted, the citizens of the City deserved a great deal of praise because for two years they had experienced higher taxes and fees as a result of "extremely bad government." She referred to the fact that a large amount of City money had never been accounted for and concluded, "Please be more mindful of your positions and responsibility to the citizens."

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**City Council Regular Meeting - December 2, 1992**

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Anderson		Y
Herms	S	Y
Korest		Y
Pennington		Y
Sullivan	M	Y
VanArsdale		Y
Muenzer		Y

**(7-0)**

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

**MOTION:** To **APPROVE** the resolution as presented and award the bid to PaineWebber.

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**ORDINANCE NO. 92-**

**ITEM 10**

**AN ORDINANCE DELETING SUBSECTIONS 5-7-8(A) (1) AND (2) OF THE COMPREHENSIVE DEVELOPMENT CODE; ADDING NEW SUBSECTIONS 5-7-8(A) (1), (2) AND (3) TO THE COMPREHENSIVE DEVELOPMENT CODE TO REVISE THE EXISTING IRRIGATION SCHEDULE TO INCLUDE ALL AREAS OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff informed Council that this ordinance would set up a lawn sprinkling schedule that would be implemented when an emergency was declared. Public Works Director Dan Mercer explained that staff did not believe any water pressure problems would be experienced even when the proposed guidelines are observed. Dr. Woodruff and Mr. Mercer reviewed some of the historical background with respect to irrigation schedules. Mr. Mercer explained that the City has a water use permit, allowing only a certain amount of water to be pumped daily. Although those guidelines must be met, in the event of a documented emergency, allowances can be made.

Administrator of the Big Cypress Basin, Michael Slayton, addressed Council. He explained that the City was required to have a comprehensive water conservation program. In all probability, said Mr. Slayton, water usage permits will be allowed to expand for domestic consumption but not for aesthetic irrigation. He told Council that more efficient irrigation methods are now required for agricultural uses. Mr. Slayton stated that the City's implementation of re-use water

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**City Council Regular Meeting - December 2, 1992**

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is one of the best "success stories" in South Florida. He agreed with Council Member Herms that the re-use system should definitely be expanded.

Council discussed whether or not it had the authority to limit home sprinkler systems that are fed by wells and/or lakes. Mr. Slayton said that the County's ordinance regulates all water use, including wells and lakes. The City's ordinance would have to be restructured to make it apply to private wells and lakes.

In reply to Council Member Van Arsdale's question, Mr. Slayton said that implementation of a comprehensive water saving program and better public education would definitely help to regulate water use. Council Member Korest commented, "What really gets peoples' attention is their pocketbook. In my opinion, we can have all of these regulations, but if we don't make water more expensive, I don't think we'll ever accomplish what we need to do. I think during next year we need to look hard at a conservation rate."

Council Member Herms stated that he would have a difficult time agreeing to charge someone additional costs without providing an option. Mr. Slayton said that changes in landscaping methods are taking place which use vegetation more adaptable to fluxes in rainfall. Xeriscape helps to accomplish that, he noted.

Vice Mayor Sullivan commented that for many years he has been concerned about the fact that the area has limited water supplies available. He asked why there had not been some effort to control the permitting of residences. Mr. Slayton replied, "We have a tremendous amount of water, but it comes to us when we need it the least. The newer projects going in have water retention systems; we are also requiring those projects to get in line with re-use water."

**Public Input:** None

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

Mayor Muenzer asked those representatives of the news media present to have something in the local newspapers about watering in the median so that people will know re-use water is being used. Mr. Mercer pointed out that by State regulation, it is required to place signs denoting water re-use at both ends of every median. Staff is currently working on designing an attractive sign for that purpose.

Anderson	S	Y
Herms	M	Y
Korest		Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**City Council Regular Meeting - December 2, 1992**

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Council Member Korest stated that Council should review the adoption of an inverted rate structure for irrigation purposes, noting, "I believe that's the ultimate way."

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**RESOLUTION NO. 92-6819**

**ITEM 11**

**A RESOLUTION GRANTING A TEN FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES AT THE NAPLES MUNICIPAL AIRPORT; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None**

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

Anderson	S	Y
Herms		Y
Korest		Y
Pennington		Y
Sullivan	M	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**CORRESPONDENCE AND COMMUNICATIONS**

City Manager Woodruff reminded Council that since the City and the Fire Department's Labor Union had declared an impasse, it was prohibited for Council Members to converse with members of the Fire Department. Council will receive copies of the current Union salary and benefit package and the proposed package.

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**PUBLIC INPUT**

**Sue B. Smith, 15 11th Avenue South**

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**City Council Regular Meeting - December 2, 1992**

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Mrs. Smith referred to Council's discussion with respect to higher water rates for the purpose of discouraging imprudent use of water, and the discussion at Monday's Workshop with respect to backflow preventers. She said, "As we sit out there and hear opinions from Council, can you understand why we are so confused at times? We hear you make statements, then other statements counter to that." Mrs. Smith asked Council to be more consistent and to stop sending mixed messages to the citizens.

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**ADJOURN:** 3:45 p.m.

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**PAUL W. MUENZER, MAYOR**

Janet Cason  
City Clerk

Tara A. Norman  
Deputy City Clerk

Marilyn McCord  
Deputy City Clerk

These minutes of the Naples City Council were approved on 12/16/92.

### **Supplemental Attendance List**

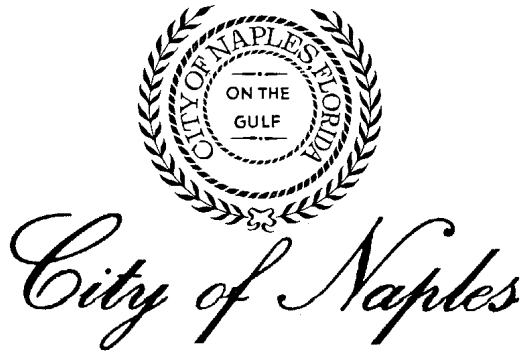
Dr. Hayes Wicker  
Werner Haardt  
Egon Hill  
Sue Smith  
Brad Estes  
Michael Slayton  
John Remington  
Pam Mac'Kai  
Dr. Theron Trimble  
Nealia Bryant  
Shelley McLean  
Shauna Webster  
John Casey  
Mike Panitsas  
Justin Land  
Peggy Brown  
Melissa Perriello  
Brian Orach  
Michael Portnoy  
William Portnoy  
Kristen Johnson  
Nathan Heavilin

Andrew Dehnart  
Michael Richardson  
John O'Brien  
Kim Sampson  
Amy Walker  
Ruthie McCulley  
Eric Merges  
Kristen Perry  
Serenity Adams  
Diana Harmon  
Rusty Batcher  
Craig Dunlap  
Scott Ascher  
Steve Shelton  
Philip Morse

Other interested citizens and visitors

#### **News Media:**

Jerry Pugh, Cablevision  
Eric Staats, Naples Daily News  
Tim Engstrom,  
Fort Myers News-Press



**Index**

**City Council Regular Meeting**

**December 2, 1992**

Convened 9:00 am / Adjourned 345 pm

<b>ANNOUNCEMENTS .....</b>	<b>2</b>
<b>APPROVAL OF MINUTES</b>	
11/9/92 Wks, 11/16/92 Wks .....	7
<b>CONSENT AGENDA .....</b>	<b>7</b>
<b>CORRESPONDENCE AND COMMUNICATIONS.....</b>	<b>18</b>
<b>ITEMS TO BE ADDED .....</b>	<b>2</b>
<b>ORDINANCE NO. 92- (First Reading)</b>	
Revise Irrigation Schedule - Water Restrictions.....	16
<b>ORDINANCE NO. 92-6810</b>	
Refund Water/Sewer Bonds.....	5
<b>ORDINANCE NO. 92-6813</b>	
Provide for "Blue Ribbon" Committee - Mayor/Council Compensation .....	8
<b>PUBLIC INPUT .....</b>	<b>18</b>
<b>RESOLUTION NO. 92- (Continued)</b>	
Conditional Use Petition 92-CU7 - 1st Presbyterian Church .....	3
<b>RESOLUTION NO. 92-6811</b>	
Redemption of Outstanding 1987 Water/Sewer Bonds .....	6
<b>RESOLUTION NO. 92-6812</b>	
Comprehensive Plan Amendments - Amendment Submittal Deadlines .....	6
<b>RESOLUTION NO. 92-6814</b>	
Conditional Use Petition 92-CU9 - Shelton Auto Imports .....	8
<b>RESOLUTION NO. 92-6815</b>	
Variance Petition 92-V18 - Rosie's Waterfront Cafe (Landscaping) .....	10
<b>RESOLUTION NO. 92-6816</b>	
Variance Petition 92-V22 - Rosie's Waterfront Cafe (Awning) .....	11

**RESOLUTION NO. 92-6817**

Variance Petition 92-V21 - Residence at 2500 Gordon Drive .....13

**RESOLUTION NO. 92-6818**

Bid Award - Water/Sewer Revenue Bonds, Series 1992A.....14

**RESOLUTION NO. 92-6819**

Grant Easement to FPL - Naples Airport Property .....18