



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

---

**City Council Regular Meeting - March 3, 1993 - 9:00 a.m.**

---

Mayor Muenzer called the meeting to order and presided.

---

**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 Dev. Director  
Dan Mercer, Public Works Director  
Mark J. Thornton, Comm. Services Dir.  
Leighton D. Westlake, Engineering Mgr.  
Dr. Jon C. Staiger, Natural Resources Mgr.  
John A. Cole, Chief Planner  
Ann N. Walker, Planner II  
Mary Kay McShane, Human Res. Director  
David M. Lykins, Recreation & Ent. Supt.  
George Henderson, Sergeant At Arms  
Tara A. Norman, Deputy City Clerk  
Marilyn A. McCord, Deputy City Clerk

See supplemental attendance list  
(Attachment #1)

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**ITEM 1**

Invocation by Dr. Richard Bingham, First United Methodist Church

\*\*\*

\*\*\*

\*\*\*

**ITEMS TO BE ADDED**

**ITEM 3**

Council Member Pennington requested that the following resolution be considered:

**A RESOLUTION URGING THE FLORIDA HOUSE OF REPRESENTATIVES TOURISM AND ECONOMIC DEVELOPMENT COMMITTEE TO INCLUDE THE CAPABILITY OF COUNTIES TO FUND BEACH RENOURISHMENT AND MAINTENANCE ACTIVITIES FROM INITIAL PERCENTAGES OF TOURIST DEVELOPMENT TAX FUNDS, IN THEIR BILL PCB TED 93-01; AND PROVIDING AN EFFECTIVE DATE.**

This vote was by acclamation and not by roll call. All Members of Council voted in the affirmative.

**MOTION:** To **ADD** the above resolution to the agenda (Herms/Sullivan).

Mr. Pennington pointed out that if the Legislature accepts this proposal, it would require that the rate of the Tourist Development Tax in Collier County be raised to fund beach renourishment activities if the initial three percent of tax were earmarked for promotional activities. The only way this could have been avoided, he pointed out, was if these revenues had already been pledged to retire bonds. Mayor Muenzer thanked Mr. Pennington for bringing this to the Council's attention and indicated that State Representative Mary Ellen Hawkins was very supportive of the City's position in this regard and was working to block the proposal in committee.

**MOTION:** To **APPROVE** this resolution (No. 93-6852) as presented.

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

(7-0)

**M=Motion S=Second**

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

---

**City Council Regular Meeting - March 3, 1993**

---

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-**

**ITEM 9**

**A RESOLUTION ENDORSING PURCHASE, BY THE STATE OF FLORIDA, OF CERTAIN UNDEVELOPED LANDS AND SUBMERGED BOTTOM LANDS ON AND ADJACENT TO KEY ISLAND, PRESENTLY OWNED BY BARRET C. OTT AND LUCILLE M. DRACKETT, SUCCESSOR CO-TRUSTEES UNDER LAND TRUST AGREEMENT DATED JUNE 19, 1989, SO THAT SAID LANDS AND SUBMERGED BOTTOM LANDS SHALL BE INCORPORATED INTO THE ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE; AND PROVIDING AT EFFECTIVE DATE.**

Dr. Woodruff indicated that there had been a request that this resolution be continued until the next meeting.

**MOTION:** To **CONTINUE** this resolution for two weeks (Regular Meeting of March 17, 1993).

Anderson		Y
Herns	M	Y
Korest		Y
Pennington	S	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		

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

\*\*\*

\*\*\*

\*\*\*

**ANNOUNCEMENTS**

**ITEM 4**

**4-a Mayor Muenzer - None.**

**4-b City Manager Woodruff - None.**

\*\*\*

\*\*\*

\*\*\*

---

**City Council Regular Meeting - March 3, 1993**

---

It was determined that the Consent Agenda would be considered at that time with the exception of Items 27 and 28 which would be discussed separately.

\*\*\*

\*\*\*

\*\*\*

---

**City Council Regular Meeting - March 3, 1993**

---

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

**MINUTES SUBMITTED FOR APPROVAL**

**ITEM 22**

City Council Workshop Meeting	February 8, 1993
City Council Workshop Meeting	February 16, 1993
City Council Regular Meeting	February 17, 1993
City Council Workshop Meeting	February 22, 1993

\*\*\*

\*\*\*

\*\*\*

**ITEM 23**

**FINANCIAL MANAGEMENT COMPUTER SYSTEM--REQUEST FOR PROPOSALS AUTHORIZATION: AUTHORIZATION TO STAFF TO PROCEED WITH THE DEVELOPMENT OF A REQUEST FOR PROPOSALS FOR THE CITY'S FINANCIAL MANAGEMENT COMPUTER SYSTEM.**

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-6853**

**ITEM 24**

**A RESOLUTION AMENDING RESOLUTION NO. 91-6421 (WHICH RESOLUTION AMENDED CERTAIN PORTIONS OF RESOLUTION NO. 91-6295 ESTABLISHING A BEACH RENOURISHMENT/MAINTENANCE COMMITTEE) BY INCREASING THE NUMBER OF MEMBERS APPOINTED TO THE BEACH RENOURISHMENT/MAINTENANCE COMMITTEE BY THE BOARD OF COUNTY COMMISSIONERS FROM ONE MEMBER TO FIVE MEMBERS; ESTABLISHING TERMS OF OFFICE; AND PROVIDING AN EFFECTIVE DATE.**

\*\*\*

\*\*\*

\*\*\*

**ITEM 25**

**BID AWARD--SIX FULL SIZE POLICE VEHICLES: REPLACEMENT OF SIX OLDER VEHICLES THAT HAVE HIGH MILEAGE AND ARE IN**

**POOR CONDITION.**

\*\*\*

\*\*\*

\*\*\*

**ITEM 26**

**BID AWARD--ROAD MAINTENANCE PROGRAM: FIVE-YEAR STREET  
OVERLAY PROGRAM AND PRIVATIZATION OF STREET  
MAINTENANCE FUNCTIONS.**

\*\*\*

\*\*\*

\*\*\*

**ITEM 29**

**BID AWARD--ONE 3/4 TON TRUCK WITH UTILITY BODY: PURCHASE  
OF ONE 3/4 TON TRUCK WHICH WILL BE ASSIGNED TO THE  
RECREATION MAINTENANCE CUSTODIAL CREW.**

\*\*\*

\*\*\*

\*\*\*

**ITEM 30**

**AUTHORIZATION TO PURCHASE FILE SERVER AND  
MICROCOMPUTERS: THE FILE SERVER CURRENTLY LOCATED IN  
CITY HALL WILL BE INSTALLED IN THE UTILITIES  
ADMINISTRATION BUILDING AND THE NEW FILE SERVER WILL BE  
INSTALLED IN CITY HALL; 12 MICROCOMPUTERS WILL BE  
INSTALLED AT THE UTILITIES ADMINISTRATION BUILDING.**

\*\*\*

\*\*\*

\*\*\*

---

**City Council Regular Meeting - March 3, 1993**

---

**Public Input:** None.

**MOTION:** To **APPROVE** the Consent Agenda (Items 22, 23, 24, 25, 26, 29, and 30).

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

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

(7-0)

**M=Motion S=Second**

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

\*\*\*

\*\*\*

\*\*\*

ITEM 27

**BID AWARD--AUTOMOTIVE AND LIGHT TRUCK OIL CHANGES,  
LUBRICATIONS AND PREVENTATIVE MAINTENANCE:  
ELIMINATION OF A FULL TIME MECHANIC'S POSITION IN THE  
EQUIPMENT SERVICES DIVISION TO REDUCE THE OUT-OF-SERVICE  
TIME OF AUTOS AND LIGHT TRUCKS TO RESULT IN AN ANNUAL  
SAVINGS OF \$11,093.00.**

Dr. Woodruff explained that this was a recommendation to award a bid for oil changes on light equipment and cars, and trucks of under one ton capacity. There had been a good response from bidders, he explained. The low bidder had not been accepted due to the fact that no information had been submitted on the disposition of oil. Under Environmental Protection Agency regulations, the City can be held responsible for the results of this disposition. K-Mart was the next lowest bidder, although one of the other bidders, Express Oil Change, had offered to include pick-up and delivery of vehicles within a \$17.95 per vehicle price. The owner of Express Oil Change, Sam Maalouf, had subsequently requested to address the Council. Dr. Woodruff noted, however, that neither the proximity of the oil change location to City facilities nor vehicle pick-up and delivery service had been included in the specifications.

City Attorney Chiaro confirmed that the Council could consider other factors in award of this bid.

Mr. Maalouf said that the differential between his and the K-Mart bid would be eliminated if he picked up and delivered vehicles so that City workers would not have to transport them to the K-Mart facility and await completion of the work. Dr. Woodruff, however, pointed out that with the exception of very few, most of the vehicles are actually in service daily so that even if the vehicle were picked up and delivered, the driver of that vehicle would either be idle or have to be rescheduled while the oil change was in progress.

---

**City Council Regular Meeting - March 3, 1993**

---

Although Council Member Korest made a motion to continue this item for the staff to review these various issues (seconded by Mr. Sullivan), this motion was subsequently withdrawn.

**MOTION:** To **REJECT ALL BIDS.** (Council Members Anderson and Herms and Mayor Muenzer each filed Form 8B, "Memorandum Of Voting Conflict For County, Municipal And Other Local Public Officers," and abstained from voting; these forms are included as Attachments 2, 3 and 4.)

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

(4-0)  
**M=Motion S=Second**  
**Y=Yes N=No A=Absent**

It was noted that, although the Council was supportive of privatization in this instance, in future bidding, staff will take into consideration the following: any savings, if any, which could be achieved through pick-up and delivery service by the contractor; the advisability of servicing vehicles after hours; what proportion of City vehicles could be serviced with a pick-up and delivery service without disrupting regular work schedules; and whether the location of the contractor near City facilities should be considered.

**Public Input:** None.

\*\*\*

\*\*\*

\*\*\*

**ITEM 28**

**BID AWARD--CONTRACT FOR RECYCLING SERVICES: WEEKLY SERVICE TO 5,532 RESIDENTIAL UNITS AND 428 MULTI-FAMILY BUILDINGS BEGINNING APPROXIMATELY APRIL 5, 1993.**

Dr. Woodruff explained that this contract for recycling services would allow for expansion of the program to include multi-family units which would place recyclable materials in 86-gallon containers which would be purchased with grant funds; single family residential units would continue to utilize the blue containers already furnished by the City. (Information with reference to the Collier County Materials Reclamation Facility Feasibility Study was distributed by Recycling Coordinator Rebecca Couchman. This material is contained in the file for this meeting in the City Clerk's Office.)

---

**City Council Regular Meeting - March 3, 1993**

---

Council Member Anderson cited the desirability of having access to a material reclamation facility so that additional items could be recycled. She noted that the City of Sarasota collects 16 items in its recycling operation and stated that a reclamation facility might be developed locally through a public/private venture. Dr. Woodruff explained that reclamation centers require state approval because of the presence of non-recyclable materials which are often integrated by the public with recyclables. He indicated that additional information on this type of facility would be researched, and Vice Mayor Sullivan noted that the Collier County staff already had much detailed information on the subject.

Community Services Director Mark Thornton explained that contact had been made with other governmental agencies who are currently under contract for recycling services with Waste Management, the low bidder. A variety of recycling program structures and pricing structures exist among these agencies, he said, and because recycling is a relatively new endeavor, none of these contracts have yet come up for renewal.

In a discussion with reference to comparison of the bid price and what the service would cost if the City continued to provide it, Dr. Woodruff indicated that, taking into consideration such elements as a franchise fee from the contractor, in-house collection and privatization of the service would in general be the same cost. However, he pointed out, the City has no backup for its recycling collection equipment, so a breakdown would result in additional expense to the City; no additional expense over and above the contract amount could be assessed by the contractor for such breakdowns.

Since Waste Management currently has authorization for several more months to utilize City land in its recycling operation, Council Member Herms expressed concern that the contract amount should take into consideration any cost to the City of acquiring additional land should it be needed in the interim for its horticultural trash collection operation. City Manager Woodruff said that while the City would not want to be put in this position, regardless of whether recycling service is privatized, Waste Management has the right to utilize City land until the end of this fiscal year.

**Public Input:** None.

**MOTION:** To **APPROVE** the award of this bid to Waste Management of Collier County. (During the voting, Council Member Herms noted that his affirmative vote was based on the consideration that Waste Management would not utilize City land beyond the currently agreed-upon time.)

Anderson	M	Y
Herms		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>		

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE 93-**

**ITEM 5**

**AN ORDINANCE AMENDING SUBSECTION 8-1-4(E)(2) OF THE COMPREHENSIVE DEVELOPMENT CODE TO ESTABLISH A SETBACK REQUIREMENT OF FIFTEEN FEET FROM EDGE OF STREET PAVEMENT FOR PLACEMENT OF REAL ESTATE SIGNS WITHIN SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS; AMENDING SUBSECTION 8-1-9(9) OF THE COMPREHENSIVE DEVELOPMENT CODE TO LIMIT SUCH REAL ESTATE SIGNS WITHIN SINGLE FAMILY RESIDENCE DISTRICTS TO ONE PER PROPERTY; ADDING SUBSECTION 7-4-2.1(K) TO THE COMPREHENSIVE DEVELOPMENT CODE TO FURTHER LIMIT THE MAXIMUM REAL ESTATE SIGN SIZE WITHIN THE "R1-15A" ZONING DISTRICT TO 96 SQUARE INCHES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Chief Planner John Cole reviewed the changes which would be effected by this ordinance: setback requirements would change from 5 feet within the property line to 15 feet from the edge of the pavement to facilitate easier measurement; there would be a limit of one sign per property regardless of number of street frontages; and the size of real estate signs would be reduced from 4 square feet to 96 square inches in the R1-15A zoning district which encompasses only the Port Royal subdivision.

Among the speakers which addressed the Planning Advisory Board (PAB) on the subject, Mr. Cole said, was a representative of the Naples Area Board of Realtors (NABOR) who supported the setback revision but opposed the limiting of the number of signs on corner lots facing more than one street. NABOR opposed the size reduction in the Port Royal subdivision only from the standpoint that deed restrictions could accomplish the same goal without implementing a special code regulation in that one zoning district.

Mr. Cole then reviewed other public input which included the results of a survey provided by the Port Royal Association indicating that an overwhelming majority of property owners favored the reduction in size of real estate signs. The staff had surveyed the presidents of other homeowner associations with reference to the proposed amendments and found support for both the new location criteria and the limiting of the number of signs; however, these individuals were almost equally split

on the desirability of limiting the size of real estate signs in Port Royal.

Although the PAB had voted in favor of these amendments, concerns were nevertheless expressed by various members about the limit on number of signs and whether these regulations should apply in multi-family as well as single family districts. In addition, Mr. Cole concluded, comment was heard at the PAB discussion that the signs placed on properties by general contractors and specialty contractors should be regulated in a similar manner.

Council Member Anderson suggested that the City investigate the possibility of banning all such signs, explaining that she had talked to many people who were concerned that the proliferation of real estate signs reflected negatively upon the community. She said she also agreed that restrictions should be placed on contractor signs which should be permitted to remain only while work was actually in progress. Council Member Herms, however, pointed out that eliminating all real estate signs would have a very negative impact on individual owners attempting to sell their properties without the services of a real estate firm. Mr. Korest said that he, too, felt that a proliferation of signs conveyed a wrong impression of the community and suggested that the staff contact other communities where a prohibition of these types of signs is in place. Both he and Mrs. Anderson said they supported the City staff working further with NABOR on this issue. Mr. Herms also suggested that research be done into the history of real estate sign regulation in the City of Naples, as there had been a time in prior years when no signs were allowed.

---

### City Council Regular Meeting - March 3, 1993

---

At the suggestion of Mr. Van Arsdale, Dr. Woodruff also indicated that the staff would research a means of addressing situations when hedges on properties prevented a real estate sign from being visible if were placed 15 feet from the edge of the pavement.

#### **Public Input:**

Mayor Muenzer said that he had received a telephone message from **Edward Newman, President of the Moorings Property Owners Association** which had indicated that 50 individual members of that group had been surveyed and all had been in favor of the proposed restrictions. Mr. Newman had also indicated that his personal view, both as a realtor and a property owner, was that the sign restrictions proposed for R1-15A district should apply throughout the City.

#### **D. W. Abercrombie, 2607 Half Moon Walk**

Mr. Abercrombie said that the wishes of Port Royal residents should be considered and noted that the vast majority of residents there opposed the use of signs. This subdivision is the pride of the community as evidenced, he said, by the number of tour buses which frequent the area.

#### **Dick Wilson, 3191 Gin Lane (President, Port Royal Property Owners Association)**

Mr. Wilson indicated that he had spent his career in real estate and said that it was his belief that while in certain cases real estate signs can be an effective tool, they can work against sellers to create a buyer's market. Expensive properties, he said, are sold by brokers and not by signs. Mr. Wilson also noted that in a survey of Port Royal Property Owner Association members last spring, 328 had favored the smaller signs being proposed and 22 were against; of that 22, 16 then had their homes on the market. Another survey in the summer indicated that 84 homes were on the market, but only 16 of those individuals were against smaller real estate signs. "Signs are hurting our neighborhood . . . Residents have told you what they want," he concluded.

#### **Robert Lange, 1020 Eighth Avenue South (Manager, Port Royal Property Owners Association)**

Mr. Lange explained that when the Community Development Department was considering changes in real estate signs, the Port Royal Property Owners Association had provided a copy of the Palm Beach ordinance and requested that certain restrictions could apply specifically to the R1-15A (Port Royal) zoning district. "Our landscape is cluttered, and we need your help," Mr. Lange said. He also pointed out that his association had worked with local realtors and settled on a 96 square inch sign which would accommodate the name of the realtor and other pertinent information. He distributed a photograph of a prototype of this smaller sign, a copy of which photograph is contained in the file of this meeting in the City Clerk's Office.

#### **Jeanne Haynes, 4888 West Blvd, (Naples Area Board of Realtors)**

Ms. Haynes appealed to the Council not to single out one industry when establishing restrictions on

signs but recommended that restrictions apply to others such as contractors and architects who also place signs on private properties. She also noted that Kings Lake, a subdivision in the unincorporated area which does not permit real estate signs, is one of the slowest real estate markets in the area. Ms. Haynes also said that Naples Area Board of Realtors (NABOR) opposed the use of an ordinance to accommodate homeowners who could accomplish the same goal through deed restrictions. In addition, Ms. Haynes said, the previous ban on real estate signs in the City of Naples had been lifted because property owners had realized they were missing a significant marketing opportunity.

**Herb Anderson, Naples Beautification Council**

Mr. Anderson reminded the Council that his group had consistently worked for a reduction in signs and noted that several years ago the Council had required removal of 440 directional signs from the City which had been considered unnecessary. He also said that he had designed a contractor sign which complied with City codes and included space for subcontractors. Only one firm adopted the sign. In conclusion, Mr. Anderson urged Council to make the reduction in sign size uniform throughout the entire City. "We would be very happy with any reduction or elimination of signs within the city limits," he said.

**John C. Van Arsdale, 3333 Rum Row (Director of Port Royal Property Owners Association)**

Mr. Van Arsdale asked the Council to address concerns expressed by the Planning Advisory Board (PAB) regarding proliferation of other signs such as those placed by contractors on private property. He displayed a prototype of the sign which was being recommended for use in Port Royal and assured the Council that it would be inexpensive for realtors to adopt it.

Prior to passage of a motion to table this item, two other motions were made. The first was by Council Member Anderson to continue the item until further research could be accomplished by the City staff to address issues raised. This motion failed for lack of a second. A subsequent motion of approval for the ordinance on First Reading was made by Council Member Herms and seconded by Council Member Van Arsdale. No vote was taken on this motion, however, because the following motion to table the item took precedence.

---

**City Council Regular Meeting - March 3, 1993**

---

**MOTION:** To **TABLE** this ordinance.

In scheduling this item for further discussion/action, staff will take into consideration making sign regulations like those proposed by the Port Royal Property Owners Association uniform throughout the City, and making regulation applicable not just to real estate signs but other similar signs such as those placed on properties by architects, building contractors and other specialty contractors during construction and renovation.

Anderson	M	Y
Herms		N
Korest		Y
Pennington	S	Y
Sullivan		N
VanArsdale		N
Muenzer		Y
(4-3)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

**Recess:** 10:50 a.m. to 10:58 a.m. All members of Council were present when the meeting reconvened.

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE NO. 93-6854**

**ITEM 6**

**AN ORDINANCE AMENDING SUBSECTION 8-3-3, STANDARDS FOR DESIGN AND CONSTRUCTION (OF PARKING SPACES), OF THE COMPREHENSIVE DEVELOPMENT CODE BY ADDING A NEW PARAGRAPH (E) WHICH PROVIDES FOR VALET PARKING PLANS TO BE APPROVED THROUGH THE CONDITIONAL USE PETITION PROCESS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

---

**City Council Regular Meeting - March 3, 1993**

---

Planner Ann Walker explained that this ordinance would allow diversification in buildings not meeting the parking code by allowing valet parking in certain instances. Approval for valet parking would be through the Conditional Use petition process and would require scrutiny of a variety of elements such as designation of spaces, pedestrian drop-off areas, traffic circulation and signage. The Conditional Use process then also takes into consideration such elements as site compatibility, safety, nuisance, etc., prior to recommendation for approval by the City Council. In conclusion, Ms. Walker also noted that in conjunction with this Conditional Use review process, the Council could give the Community Development Director authority to adjust valet parking usage for peak season needs or to approve amendments in the plan should changes occur in the tenant mix on the property.

**Public Input:** None.

**MOTION:** To **APPROVE** this ordinance on Second Reading.

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

(7-0)

**M=Motion S=Second**

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

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-6855**

**ITEM 7**

**A RESOLUTION APPROVING CONDITIONAL USE PETITION 93-CU3  
FOR A VALET PARKING PLAN FOR THE THIRD STREET PLAZA,  
SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING  
EXPIRATION AND EFFECTIVE DATES.**

Title read by City Attorney Chiaro.

Planner Ann Walker explained that the Third Street Plaza was requesting approval of a valet parking plan in the garage under the complex. This was being submitted under the Conditional Use provisions of the ordinance approved above and had been reviewed under the normal Conditional Use criteria. The staff reported that its review noted no changes to building ingress and egress; that the garage is of sufficient size for both self-parking and valet parking; that a signage plan had been provided which is sufficient to direct patrons to the two types of parking; and that use of the garage for valet parking will not hinder development of, or be incompatible with, existing surrounding properties. Staff had recommended approval, Ms. Walker said, and two letters of support had been received from neighboring commercial property owners; one letter of opposition had been received from a nearby resident. The Old Naples Association had asked for assurances that parking would not spill out onto the right-of-way, and the PAB had recommended that a condition of the Conditional Use approval be that the valet operation be limited to the interior of the garage.

**Public Input:**

**Norman F. de la Chappelle, 355 13th Avenue South (Third Street Area Association)**

The Third Street Area Association, according to Mr. de la Chappelle, supported this proposal as an element in an overall plan to enhance the viability of the Third Street business community. He said that concerns of neighbors had been taken into consideration and urged Council approval.

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

Mrs. Smith asked that the Council keep in mind the needs and well-being of residential areas which border commercial zones while taking into consideration the economic soundness of businesses. Increasing the use of the Plaza through valet parking would also increase the need for support services, particularly if additional restaurants are located in the complex, she pointed out. She cited congestion and nuisance which she said was caused on 13th Avenue by the Council permitting valet parking to take place in front of the Chef's Garden Restaurant. While the City's own criteria for allowing a Conditional Use require that it be compatible and appropriate in the area, these factors had not been taken into consideration when the staff recommended approval of this petition, she added. In conclusion, Mrs. Smith also pointed out that the recommended approval also did not address the City's stated goal of protecting residential areas from negative commercial impact and

encroachment.

**John M. Passidomo, Frost & Jacobs (representing Third Street Plaza Ltd. Partnership)**

Attorney Passidomo explained that the Plaza valet parking plan was intended to provide safe, attractive and secure service to customers and to help alleviate the strain on adjacent parking facilities and lots. On various charts he indicated studies by Barr Dunlop & Associates which confirmed that the Plaza parking garage was currently under-utilized. To implement the valet parking program, the appropriate signage will direct customers to either valet parking or self-parking; the 181-plus spaces in the garage will be divided into two equal parts and will prevent pedestrians and customer vehicles from entering the area used for valet parking. Customers, regardless of whether they use the self-parking area or valet parking, will enter the complex through the elevator which is now used for that purpose. To underscore the Plaza's commitment to conduct the valet parking operation fully on private property, Mr. Passidomo said, a designated waiting area will accommodate eight vehicles. Only when the spaces designated for valet parking are full will staff utilize any of the spaces which have been set aside for self-parking.

In further discussion with the Council, the following points were also raised: The Plaza will provide all necessary insurance coverage for the valet parking operation. Depending on the experience gained in the operation, the Plaza will be flexible in allocating additional spaces to self-parking, if necessary. There is an obligation for the valet parking attendant to be on the premises during all hours of operation; however, Mr. Passidomo indicated that the management may request relief from this obligation should experience prove that a full-time attendant is not necessary. When the garage was built it met the code for required disabled parking spaces and is not required to retrofit to meet current regulations. Although no negotiations are currently underway, Mr. Passidomo said he would not rule out inclusion of additional restaurant tenants. In response to concerns with reference to restaurant wastes, it was learned that this refuse will continue to be disposed of in a container at the rear of the building.

Anderson	S	Y
Hermes		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>		

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

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-6856**

**ITEM 8**

**A RESOLUTION GRANTING VARIANCE PETITION 93-V5 FROM**

**SUBSECTION 9-1-1 OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH REQUIRES THAT ACCESSORY STRUCTURES MAY NOT PRECEDE CONSTRUCTION OF PRINCIPAL BUILDINGS, IN ORDER TO ALLOW THE INSTALLATION OF A GATE AT THE MAIN DRIVEWAY ENTRANCE TO THE PROPERTY AT 3995 GORDON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney.

City Manager Woodruff explained that this request was for authorization to install a privacy gate prior to construction of a primary structure on the property. Because the zoning code permits such things only as accessory uses, the Variance from this provision would allow construction of the accessory use before the primary structure in this case. Chief Planner Cole pointed out, however, that the staff had recommended denial while the Planning Advisory Board (PAB) had recommended approval.

**Public Input:** None.

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

Anderson		A
Herns		Y
Korest	M	Y
Pennington		Y
Sullivan	S	Y
VanArsdale		Y
Muenzer		Y
(6-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-6857**

**ITEM 19**

**A RESOLUTION APPROVING PRELIMINARY SUBDIVISION PLAT PETITION 93-SD1 FOR AN EIGHT LOT SINGLE FAMILY SUBDIVISION TO BE KNOWN AS ROYAL PALM COURT TO BE LOCATED ON THE SOUTH SIDE OF 26TH AVENUE NORTH ON PROPERTY MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

---

**City Council Regular Meeting - March 3, 1993**

---

Planner Ann Walker explained that this was a proposed eight-lot, single family subdivision on 22nd Avenue North. Although the Engineering Division had recommended denial based on right-of-way width, the planning staff had felt it should be approved since this subdivision mirrors two other existing subdivisions immediately to the east. No public comment had been received and the PAB had recommended approval with the condition that certain street trees and sidewalks be included on the final plat and that a landscaped cul-de-sac would contain easily maintained materials and would be irrigated. One existing structure, an older home, would be removed from the property, Ms. Walker concluded.

**Public Input:** None.

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

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

(7-0)

**M=Motion S=Second**

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

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE NO. 93-6858**

**ITEM 16**

**AN ORDINANCE APPROVING REZONE PETITION 93-R4, REZONING PROPERTY OCCUPIED BY GULFVIEW MIDDLE SCHOOL, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R3-12", MULTIFAMILY RESIDENTIAL, TO "PS", PUBLIC SERVICE, TO BRING THE PROPERTY INTO COMPLIANCE WITH THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP DESIGNATION OF PUBLIC AND SEMI-PUBLIC INSTITUTIONAL; AND PROVIDING AN EFFECTIVE DATE.**

---

**City Council Regular Meeting - March 3, 1993**

---

Title read by City Attorney Chiaro.

Dr. Woodruff reported that he anticipated presenting to the Council on March 17th the interlocal agreement between Gulfview and the City for use of school facilities.

**Public Input:** None.

**MOTION:** To **APPROVE** this ordinance on Second Reading.

Anderson		Y
Herms		A
Korest	S	Y
Pennington		Y
Sullivan	M	Y
VanArsdale		Y
Muenzer		Y
(6-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE NO. 93-**

**ITEM 17**

**AN ORDINANCE AMENDING SUBSECTION 5-3-2 (A) OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES, "SURVEY OF BUILDING FOUNDATIONS PRIOR TO COMPLETION OF CONSTRUCTION"; PROVIDING AN EXCEPTION FOR THE NEED OF A FOUNDATION SURVEY; DELETING SUBSECTION 5-3-2 (C) WHICH EXEMPTS CERTAIN STRUCTURES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Community Development Director McKim explained that this amendment was being proposed because it had come to the staff's attention that there are circumstances when it is obvious that a new structure is well within the setback line, and therefore allowing exceptions to the required foundation survey would spare property owners unnecessary costs.

**Public Input:** None.

**MOTION:** To **APPROVE** this ordinance on First

Anderson		Y
Herms	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>		

---

**City Council Regular Meeting - March 3, 1993**

---

Reading.

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE NO. 93-**

**ITEM 18**

**AN ORDINANCE AMENDING SUBSECTIONS 11-1-2(B) (4) AND 11-1-5(G)(4) OF THE COMPREHENSIVE DEVELOPMENT CODE TO DELETE THE REQUIREMENT FOR PAYMENT BY CASHIER'S CHECK; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff indicated that this amendment would simplify procedures for payment of system development fees by eliminating the requirement for a cashier's check. The City would not be exposing itself to unnecessary risk because there is sufficient time between application and installation of utility connections to assure that a personal check would have cleared.

**Public Input:** None.

**MOTION:** To **APPROVE** this ordinance on First Reading.

Anderson		Y
Herms		Y
Korest	M	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>		

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-6859**

**ITEM 20**

**A RESOLUTION APPOINTING A CITIZEN TO SERVE ON THE BLUE RIBBON PANEL, PURSUANT TO SECTION 1A-167 OF THE CODE OF ORDINANCES, FOR THE PURPOSE OF REVIEWING QUALIFICATIONS OF PERSONS WHO MAY DESIRE TO SERVE ON THE CITY OF NAPLES PUBLIC EMPLOYEES RELATIONS COMMISSION AND RECOMMENDING TO THE CITY MANAGER THOSE PERSONS BEST QUALIFIED TO SERVE AS COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff explained that under state law, the City is one of the few agencies which has a Mini-PERC, or Public Employee Relations Commission. When a vacancy occurs on this body, a blue ribbon panel of citizens meets to recommend someone to fill that vacancy. Ann Murray is being recommended to replace General R. B. Anderson, who had asked to be relieved of his responsibility on the blue ribbon panel, Dr. Woodruff said.

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

**Public Input:** None.

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

\*\*\*

\*\*\*

\*\*\*

**Recess:** 11:55 a.m. to 1:05 p.m. When the meeting reconvened, all members of Council were present except Mayor Muenzer, who arrived at 1:20 p.m.

\*\*\*

\*\*\*

\*\*\*

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

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE NO. 93-6861**

**ITEM 12**

**AN ORDINANCE AMENDING SUBSECTION 8-3, PARKING, OF THE**

**COMPREHENSIVE DEVELOPMENT CODE BY AMENDING SUBSECTION 8-3-4, OFF-STREET PARKING REQUIRED, TO ALLOW FOR A PARKING NEEDS ANALYSIS, AND BY ADDING A NEW SUBSECTION 8-3-7 SETTING FORTH THE REQUIREMENTS FOR A PARKING NEEDS ANALYSIS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None.

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

Anderson		Y
Herms	M	Y
Korest		Y
Pennington	S	Y
Sullivan		Y
VanArsdale		Y
Muenzer		A
(6-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE NO. 93-6862**

**ITEM 13**

**AN ORDINANCE AMENDING CHAPTER 8, REQUIRED DEVELOPMENT AND DESIGN STANDARDS, OF THE COMPREHENSIVE DEVELOPMENT CODE BY DELETING SUBSECTION 8-2-6 AND SECTION 8-5 RELATING TO REQUIRED VISIBILITY AT CORNER LOCATIONS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

---

**City Council Regular Meeting - March 3, 1993**

---

Title read by City Attorney Chiaro.

**Public Input: None.**

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

Anderson		Y	
Hermes		Y	
Korest	M	Y	
Pennington	S	Y	
Sullivan		Y	
VanArsdale		Y	
Muenzer			A
(6-0)			
<b>M=Motion S=Second</b>			
<b>Y=Yes N=No A=Absent</b>			

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE NO. 93-**

**ITEM 10-a**

**AN ORDINANCE AMENDING SECTION 13.1 OF ARTICLE 13 OF THE CHARTER OF THE CITY OF NAPLES TO PROVIDE FOR THE SPECIFIC ADOPTION AND INCORPORATION OF THE STATE ELECTION LAWS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

The title was read and the matter reviewed by City Attorney Chiaro. She explained that the present language in Section 13.1 of the City Charter may be interpreted as less than specific and that the proposed ordinance amends that Section and specifically adopts the Florida Election Code for procedures to be used for municipal elections. Attorney Chiaro pointed out that this will not change the non-partisan nature of the City's elections, the date of elections, the provision that the three candidates receiving the highest number of votes are elected, the requirements of the individual candidates, or any provisions which are not specifically in the Charter as it relates to the substance of City elections.

Attorney Chiaro told Council that adoption of the Florida Election Code clarifies the procedures to be used relating to such items as absentee ballots, general qualifications of voters, registration and general voting methods.

**Public Input:**

---

**City Council Regular Meeting - March 3, 1993**

---

**Fred Tarrant, 175 Third Street South**

Mr. Tarrant described a dream he had had about the issue of election challenge. He also compared the proposed Charter changes to a passage in George Orwell's book "Animal Farm" in which the addition of a few words to a set of rules made a tremendous difference in the meaning. Mr. Tarrant expressed his appreciation to the Committee and said, "I think it's been a healthy process in spite of some of the sparks." He also thanked everyone for their courtesy and commended Council and the Committee for their actions.

Mayor Muenzer thanked the Committee Chairman Dudley Goodlette and the Members of the Committee for the work done. For the record, the Mayor noted that the Committee had been asked to report back to Council during March, 1993. That timetable had been met.

Attorney Goodlette summarized the work of the Committee, which had the responsibility of reviewing the election laws of the City and State and to recommend any appropriate changes in the City Charter. He reported that the Committee had attempted to clarify specific procedures to be followed by any candidate or citizen who for any reason challenged an election, since the Charter was currently not specific. Those Sections added to 13.3 of the Charter will accomplish that, he noted. A change in the Canvassing Board is also being recommended. Although it will remain a three-member Board, the Committee recommends changing the composition of the Board. Attorney Goodlette emphasized the fact that the Committee's objective was to simplify as best it could the manner in which a challenge to an election would be heard.

Mr. Tarrant had attended the Committee's first meeting, said Attorney Goodlette, who also expressed the hope that Mr. Tarrant's requests for changes had been satisfied. Attorney Goodlette reported that Supervisor of Elections Mary Morgan had also attended a Committee meeting and pointed out that there were some instances in which the Florida Election Code discussed procedural issues and that she would be more comfortable if those issues were included in the City Charter.

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

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

\*\*\*

\*\*\*

\*\*\*

ORDINANCE NO. 93-

ITEM 10-b

**AN ORDINANCE AMENDING SECTION 13.3, "ELECTIONS; CANVASS OF RETURNS" TO PART A, ARTICLE 13, OF THE CHARTER OF THE CITY OF NAPLES, FLORIDA; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Attorney Chiaro explained that this amendment is the recommendation of the Ad Hoc Election Advisory Committee and provides for an administrative method for the protest of City elections. It changes the make-up of the Canvassing Board and provides for the Canvassing Board to request judicial determination where a protest investigation may trigger the need for such determination.

Council Member Herms asked about the issue of an election recount. Supervisor of Elections Mary Morgan explained that the Florida Division of Elections' response to that question was that a determination in such an issue was to be made by the City Attorney. Mrs. Morgan emphasized that the function of the Election Supervisor and her office was ministerial.

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>		

**Public Input: None.**

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

\*\*\*

\*\*\*

\*\*\*

**NOTE:** City Manager Woodruff distributed a memorandum and draft resolution dealing with the ability of the Fifth Avenue South Downtown Business Association to sell alcoholic beverages on Sunday, March 14, at the "Naples Fifth Avenue Festival of the Arts." It was the consensus of Council to add this matter to the agenda, as Item 31.

\*\*\*

\*\*\*

\*\*\*

RESOLUTION NO. 93-6860

ITEM 11-a

**A RESOLUTION OF THE CITY OF NAPLES, FLORIDA, RELATING TO**

**COMMUNITY REDEVELOPMENT; DELINEATING THE COMMUNITY REDEVELOPMENT AREA; FINDING THE EXISTENCE OF CERTAIN SLUM AND BLIGHTED CONDITIONS; FINDING A SHORTAGE OF AFFORDABLE HOUSING; DECLARING THAT THE DATA CONTAINED IN THE "REPORT ON THE DETERMINATION OF THE FINDING OF NECESSITY FOR THE CREATION OF A COMMUNITY REDEVELOPMENT AGENCY" PREPARED BY THE CITY OF NAPLES COMMUNITY DEVELOPMENT DEPARTMENT IS A PROPER FACTUAL BASIS UPON WHICH THE CITY COUNCIL DETERMINED THE REDEVELOPMENT AREA TO HAVE SLUM AND BLIGHTED CONDITIONS PURSUANT TO SECTION 163.355, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Attorney Chiaro told Council that in adopting this resolution Council was accepting all of the statistics which had been presented by virtue of the Redevelopment Task Force Report. Adoption and acceptance of those statistics is necessary, she said, for the creation of a CRA (Community Redevelopment Agency).

City Manager Woodruff told Council that staff would bring back a proposed advisory board arrangement and a mission statement for the actual preparation of the redevelopment plan. This simply begins a long process, said Dr. Woodruff, that eventually will result in a redevelopment management plan. Once adopted by Council (after public hearings take place) that plan will become a blueprint for redevelopment guidelines in the established redevelopment district. Dr. Woodruff said, "What happens today is truly the beginning, not the ending, of a process. The process should begin with a consensus building program for the community to determine what they want in a redevelopment district." Dr. Woodruff said that staff would prefer, if at all possible, to do the work without a consultant, although there may be certain components of the project where an outside consultant is needed.

Council Member Anderson stated, "We need to make a very firm statement today that we are not trying to prohibit redevelopment in this area."

**Public Input: None.**

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

Anderson	S	Y
Hermes		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>		

---

**City Council Regular Meeting - March 3, 1993**

---

\*\*\*

\*\*\*

\*\*\*

**ORDINANCE NO. 93-**

**ITEM 11-b**

**AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; CREATING A COMMUNITY REDEVELOPMENT AGENCY, PURSUANT TO SECTION 163.356, FLORIDA STATUTES; AUTHORIZING THE AGENCY TO EXERCISE POWERS WITHIN THE COMMUNITY REDEVELOPMENT AREA; APPOINTING A BOARD OF COMMISSIONERS OF THE COMMUNITY REDEVELOPMENT AGENCY; DESIGNATING A CHAIRMAN AND VICE CHAIRMAN OF THE BOARD; PROVIDING FOR TERMS OF OFFICE OF THE COMMISSIONERS; PROVIDING FOR AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff announced that under State law, through adoption of this ordinance Council would be accepting the responsibility to serve as the Board of Commissioners for the Community Redevelopment Agency.

**Public Input: None.**

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

Anderson	S	Y
Hermes		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>		

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-6863**

**ITEM 21**

**A RESOLUTION APPOINTING TWO CITY COUNCIL MEMBERS TO THE BEACH RENOURISHMENT/MAINTENANCE COMMITTEE TO SERVE TWO-YEAR TERMS, BEGINNING MARCH 1, 1993, AND ENDING FEBRUARY 28, 1995; AND PROVIDING AN EFFECTIVE DATE.**

---

**City Council Regular Meeting - March 3, 1993**

---

Title read by City Attorney Chiaro.

**Public Input: None.**

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

(5-2)

**M=Motion S=Second**

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

**City Council Regular Meeting - March 3, 1993**

---

**MOTION:** To **APPOINT** Fred L. Sullivan and **REAPPOINT** Ronald M. Pennington to the Beach Renourishment/Maintenance Committee.

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-6864**

**ITEM 31**

**A RESOLUTION PERMITTING THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY, MARCH 14, 1993, BETWEEN THE HOURS OF 10:00 A.M. AND 5:00 P.M. BY THE FIFTH AVENUE SOUTH DOWNTOWN BUSINESS ASSOCIATION OR ITS AUTHORIZED AGENTS AT THE "NAPLES FIFTH AVENUE FESTIVAL OF THE ARTS" TO BE HELD ON FIFTH AVENUE SOUTH IN THE CITY OF NAPLES WITH NET PROCEEDS TO BENEFIT STREET BEAUTIFICATION OR UP-GRADES FOR FIFTH AVENUE SOUTH, INCLUDING NEW LIGHTING, SIDEWALKS, PUBLIC RESTROOMS, LANDSCAPING, BENCHES, ETC.; PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff reminded Council that the City's code gives Council the ability to permit Sunday sale of alcoholic beverages, through resolution, for special events.

**Public Input: None.**

**MOTION:** To **APPROVE** the resolution as presented. (Council Member Anderson filed Form 8B, "Memorandum Of Voting Conflict For County, Municipal And Other Local Public Officers," and abstained from voting; this form is included as Attachment #5.)

Anderson	CONFLICT
Harms	Y
Korest	M Y
Pennington	Y
Sullivan	N
VanArsdale	S Y
Muenzer	Y
(5-1)	
<b>M=Motion S=Second</b>	
<b>Y=Yes N=No A=Absent</b>	

---

**City Council Regular Meeting - March 3, 1993**

---

Vice Mayor Sullivan stated that it was incumbent upon him to be consistent in his position on alcoholic beverage sales, saying, "Once again, it's not the beverage itself but alcoholic beverages. When we permit things like this we are in effect telling people that we need to have these things in order to be successful. I don't think that is the message we really want to send to our young people. We have to be consistent in what we tell them."

\*\*\*

\*\*\*

\*\*\*

**CORRESPONDENCE AND COMMUNICATIONS**

City Manager Woodruff announced that staff had been notified by a private property owner that their water had an abnormal odor and taste. It was discovered that paint cans and brushes had been deposited on the right-of-way. That material (possibly mineral spirits) had seeped through the soil and penetrated the pipe between the meter and the water main. Ultimately, it had reached the water supply. City staff replaced the connection, however, the displaced contaminated soil was mistakenly used by a County road crew. Currently, the residents of the home have been referred to the appropriate medical specialists and the County's Environmental Department has been notified.

\*\*\*\*\*

Council Member Herms reported that he had been notified of another illegal water tap at the Windstar development. City Manager Woodruff assured Council that steps would be taken immediately to check into the matter.

\*\*\*

\*\*\*

\*\*\*

**BREAK: 2:45 p.m. - 3:05 p.m.**

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-6865**

**ITEM 14**

**A RESOLUTION AUTHORIZING A COASTAL CONSTRUCTION  
SETBACK LINE VARIANCE TO CONSTRUCT A NON-HABITABLE  
GARAGE AND AN ELEVATED WOODEN DECK ADJACENT TO AN  
EXISTING TWO-STORY FRAME RESIDENCE AT 1150 GULF SHORE  
BOULEVARD SOUTH; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Natural Resources Manager Jon Staiger reviewed the variance request and compared it to the

---

**City Council Regular Meeting - March 3, 1993**

---

petitioner's request for variance which Council had denied last year. In response to concerns raised at the time the original petition was denied, the petitioner reduced the dimensions of the proposed garage and deck. The petitioner has also committed to the installation of rain gutters on the garage to deal with runoff from the garage area.

Agent for the petitioner, Attorney Timothy Ferguson, displayed several pictorial exhibits to better describe the proposed construction. He reminded Council that one of the petitioner's children is confined to a wheelchair and that the proposed changes will help to improve her lifestyle. Attorney Ferguson also pointed out that the garage will remain a nonhabitable structure, with the loft used for storage only.

**Public Input:**

**Robert Noble, 1100 Ninth Street South**

Mr. Noble reported that several people had expressed objections to the proposed construction at a recent Old Naples Association meeting. However, said Mr. Noble, "Those people are not here today, so I won't try and carry the ball for them."

Council discussed the use of the whirlpool which the petitioner hopes to install. City Attorney Chiaro informed Council that it had no right to regulate the hours in which the pool may be used.

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

Mayor Muenzer voted in the affirmative, with the condition that there will be no future living arrangements in the garage structure.

Anderson	S	Y
Herns		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>		

\*\*\*

\*\*\*

\*\*\*

**RESOLUTION NO. 93-6866**

**ITEM 15**

**A RESOLUTION APPROVING VARIANCE PETITION 93-V3 FROM SUBSECTION 7-4-7(H) OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH LIMITS DEVELOPMENT ON ANY R3-12 ZONED PROPERTY ADJACENT TO, OR ACROSS THE STREET FROM, ANY R1 ZONED PROPERTY TO TWO STORIES IN HEIGHT, IN ORDER TO PERMIT THE USE OF LOFTS LOCATED WITHIN THE ROOF STRUCTURE OF THE EXISTING BUILDINGS AT THE WINDWARD CAY**

**CONDOMINIUM, 600 2ND STREET SOUTH; AND PROVIDING AN EXPIRATION DATE.**

Title read by City Attorney Chiaro.

Planner Ann Walker reviewed this variance request which would permit the use of a loft located within the roof structure of an existing building at the Windward Cay Condominium. She explained that the units were designed to contain two full stories, plus an additional loft area. Because of a discrepancy, the lofts which had been installed were left in an unfinished state, with no fixed stairway access to them. The new owners of the units are again requesting a variance from the height/story link in order to use the space which exists within the roofline.

Ms. Walker reported that at the Planning Advisory Board (PAB) hearing on this variance, four residents of surrounding multifamily units and one single family property owner spoke in opposition to this request; one other resident spoke in favor. At its meeting on February 10, 1993, the PAB voted 3-2 to recommend denial of this petition. The Board agreed that a spatial perception study for multifamily development was needed. Staff found that the criteria listed for the granting of variances had been met and recommended approval of this variance.

Attorney Daniel Peck, representing three of the unit owners at Windward Cay, told Council that the proposed use of the lofts would alter neither the exterior nor the height. He described the floor plan of the units, explaining that in order to reach the loft, a person must enter a closet and pull down a stairway, so it was not a convenient living area. Attorney Peck told Council that the legal criteria had been met, noting that there was no reason to restrict three stories when R-1 zoning now allows it. He also assured Council that parking would not be intensified.

Letters from two of the petitioners were produced and are contained in the original file for this meeting in the City Clerk's Office. Both letters, from Anne K. Larson and from Fred B. Hall, ask for Council's approval in this matter.

**Public Input:**

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

Mrs. Smith told Council that her comments were not relative to approval or denial of the variance, but to point out that the Old Naples residents had been before Council many times to express concerns about the fact that in their area many things were allowed outside of the City's Code. Mrs. Smith referred to this type of action as granting of permission after the fact, and asked for Council's help so that the quality of life in the Old Naples area is not ruined.

---

**City Council Regular Meeting - March 3, 1993**

---

**Mitza Bozin, 2220 South Winds Drive**

Ms. Bozin, who owns the property directly west of Windward Cay, told Council that she will be forced to build a third story onto her house to protect her view. She stated, "We are watering down our zoning. It's a precedent I don't like to see. We are growing and we need to do it in an orderly way."

Council discussed the issue, including the spatial perception setback regulations. Ms. Walker expressed her hope that a spatial perception study for multifamily developments would result in a limit of allowed stories.

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

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

(7-0)

**M=Motion S=Second**

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

\*\*\*

\*\*\*

\*\*\*

**OPEN PUBLIC INPUT**

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

Mrs. Smith again referred to the improprieties of the City's Code. She also suggested that, with reference to the Community Redevelopment Agency (CRA) action, it was very objectionable to label the area one of crime and blight. In response to Mrs. Smith, Council Member Herms explained that public hearings would be held throughout the CRA process. Mrs. Smith presented several photographs to Council of areas she described as blighted, and pointed out that many City-owned properties were not well maintained.

\*\*\*

\*\*\*

\*\*\*

---

**City Council Regular Meeting - March 3, 1993**

---

**ADJOURN:** 4:40 p.m.

---

Paul W. Muenzer, Mayor

Janet Cason  
City Clerk

Tara A. Norman  
Deputy City Clerk

Marilyn McCord  
Deputy City Clerk

These minutes or the Naples City Council approved on March 17, 1993.

Attachments: 9 pages

**Supplemental Attendance List**

Dr. Richard Bingham	Werner Haardt	Charles Andrews
Herb Anderson	John Passidomo	Lance Donovan
Fred Tarrant	Odilie Tarrant	John Van Arsdale
J. Dudley Goodlette	Mary Morgan	Tom O'Riley
Sue Smith	John Smith	Tim Ferguson
Robert Noble	Daniel Peck	Rebecca Burke
Sandra Sue Jefferies		

**News Media**

Eric Staats, Naples Daily News  
Tim Engstrom, Fort Myers News-Press  
Alecia Allen, WEVU-TV



**Index**  
**City Council Regular Meeting**  
**March 3, 1993**  
 Convened 9:00 am / Adjourned 4:40 pm

<b>ANNOUNCEMENTS .....</b>	<b>3</b>
<b>BID AWARDS</b>	
3/4Ton Truck with Utility Body (Bid 93-34) .....	5
Recycling Services Contract (Bid 93-41) .....	7
Road Maintenance Program (Bid 93-37).....	5
Six Full-Size Police Vehicles (Bid 93-30).....	4
<b>BID AWARD (All Bids Rejected)</b>	
Oil Changes, Lubrication, Preventive Maint. - Autos, Lt. Trucks.....	6
<b>CONSENT AGENDA .....</b>	<b>4</b>
<b>CORRESPONDENCE AND COMMUNICATIONS .....</b>	<b>26</b>
<b>FILE SERVER AND MICROCOMPUTERS</b>	
Authorization to Purchase.....	5
<b>FINANCIAL MANAGEMENT COMPUTER SYSTEM</b>	
Authorize Development of RFP.....	4
<b>INVOCATION AND PLEDGE OF ALLEGIANCE.....</b>	<b>2</b>
<b>ITEMS TO BE ADDED</b>	
Allow Alcoholic Beverages at 1993 Fifth Ave. Festival of Arts.....	25
Tourist Development Tax - Beach Renourishment/Maintenance.....	2
<b>MINUTES SUBMITTED FOR APPROVAL</b>	
2/8/93 Wks, 2/16/93 Wks, 2/17/93 Reg, 2/22/93 Wks .....	4
<b>OPEN PUBLIC INPUT .....</b>	<b>29</b>
<b>ORDINANCE 93- (Tabled)</b>	
Real Estate Signs - Amend Requirements .....	8
<b>ORDINANCE NO. 93- (First Reading)</b>	
Building Foundation Survey Prior to Construction .....	17
System Dev. Fees - Eliminate Requirement for Cashier's Check.....	17

<b>ORDINANCE NO. 93-6854</b>	
Allow Valet Parking Through Conditional Use Process .....	12
<b>ORDINANCE NO. 93-6858</b>	
Rezone Petition 93-R4 - Gulfview Middle School to PS Pub. Serv.....	16
<b>ORDINANCE NO. 93- (First Reading)</b>	
Adopt Certain State Election Laws.....	20
Amend Election Canvassing Board Requirements .....	22
Create Community Redevelopment Agency .....	24
<b>ORDINANCE NO. 93-6861</b>	
Parking Needs Analysis Requirements.....	19
<b>ORDINANCE NO. 93-6862</b>	
Delete Corner Visibility Requirements.....	19
<b>RESOLUTION NO. 93- (Continued)</b>	
Endorse Key Island Purchase by State .....	3
<b>RESOLUTION NO. 93-6853</b>	
Increase Membership on Beach Renourishment/Maintenance Committee .....	4
<b>RESOLUTION NO. 93-6856</b>	
Variance Petition 93-V5 - 3995 Gordon Drive - Gate.....	14
<b>RESOLUTION NO. 93-6857</b>	
Prelim. Subdiv. Plat 93-SD1 - Royal Palm Court.....	15
<b>RESOLUTION NO. 93-6859</b>	
Appointment to Blue Ribbon Panel (Mini-PERC) .....	18
<b>RESOLUTION NO. 93-6855</b>	
Conditional Use Petition 93-CU3 - Third Street Plaza Valet Pkg.....	13
<b>RESOLUTION NO. 93-6860</b>	
Community Redevelopment-Finding of Need/Delineating Redev. Area .....	22
<b>RESOLUTION NO. 93-6863</b>	
Appointments to Beach Renourishment/Maintenance Committee.....	24
<b>RESOLUTION NO. 93-6864</b>	
Permit Alcoholic Beverages at 1993 Fifth Ave. Festival of Arts .....	25
<b>RESOLUTION NO. 93-6865</b>	
CCSL Variance 93-01 - 1150 Gulf Shore Blvd., South.....	26
<b>RESOLUTION NO. 93-6866</b>	
Variance Petition 93-V3 - Windward Cay Condo, 600 2nd St. S. ....	27
<b>ROLL CALL</b> .....	1