



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Workshop Meeting - May 17, 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 (arrived 9:10 a.m.)
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, Comm. Development Dir.
William Harrison, Finance Director
Tom Smith, Fire Chief
Mark Thornton, Comm. Services Dir.
Dr. Jon Staiger, Natural Resources Mgr.
John Cole, Chief Planner
Terry Fedelem, Parks & Pkwys. Supv.
Sheldon Reed, Fire Marshal
Ann Walker, Planner II
George Henderson, Sergeant At Arms
Tara Norman, Deputy City Clerk

Werner Haardt
William Payne
John Cremer
Loran Balvanz

News Media:

Tim Engstrom, Fort Myers News-Press
Eric Staats, Naples Daily News
Paul Kenney, WBBH-TV

Other interested citizens and visitors

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ITEMS TO BE ADDED

ITEM 1

None.

Mayor Muenzer provided Council Members with copies of an article from the May 14, 1993, issue of *USA Today* which outlined the views of Lani Guinier who is being proposed by the Clinton Administration to head the Civil Rights Division of the Justice Department. This article related to Ms. Guinier's interpretation of the Voting Rights Act. A copy of this article is contained in the file for this meeting in the Office of the City Clerk.

With reference to affordable housing, Council Member Pennington provided information on a condominium complex which was advertising two-bedroom units from \$34,900. The project, under the direction of a Canadian company, is targeted principally at the retiree market and is a converted rental complex. A copy of the material provided by Mr. Pennington is contained in the file for this meeting in the Office of the City Clerk.

It was determined that a request from Robb Dering & Associates would be granted whereby the firm would be added to the list of presenters at the May 19th affordable housing discussion.

City Attorney Chiaro confirmed that there were no constraints, either in the City's purchasing policy or in Florida Statutes, which would prevent consideration of the Robb Dering & Associates proposal because of the general nature of the City's published request for information. In addition, she said, a Request for Proposals (RFP) had actually not been required in this case, and the Council could have merely entered into negotiations with a developer.

Council Member Herms expressed concern that the staff was communicating to developers that they must rezone the affordable housing site to PD (Planned Development) and indicated that he would favor the application of conventional zoning. City Attorney Chiaro said that the City could not require that the developer rezone the property.

ITEM 2

**PRESENTATION OF A SUMMARY OF THE CHANNEL DREDGING
PROJECT IN THE EAST NAPLES BAY TAXING DISTRICT.**

John W. Cremer, 2350 Tarpon Road, read into the record a letter outlining issues relative to the East Naples Bay canal maintenance project. This letter appears as Attachment #1. It was determined that the staff would review and respond to the issues raised and would report back to the Council in approximately 30 days. A workshop will then be scheduled for further Council discussion.

ITEM 3

**DISCUSSION OF SPRINKLER EXCEPTIONS FOR AIRPORT
AUTHORITY.**

Mayor Muenzer clarified for the record that although the Airport Authority had written a letter thanking the Council for scheduling consideration of their request at the upcoming regular meeting (May 19th), the Airport Authority had, in fact, been advised that the issue would first be discussed at this workshop. No final action could be taken until a regular meeting at some future date.

William Payne of William E. Payne & Associates, Inc., Englewood, Colorado, represented the Airport Authority. The request is for the Council to amend the Comprehensive Development Code to waive the requirement for installation of fire sprinklers in aircraft hangars. This requirement is more restrictive than Section 409, National Fire Prevention Association Code, which was also adopted by the City. According to Mr. Payne, unlike the City's fire sprinkler ordinance, Section 409 differentiates between different sizes of hangars. The office area in the hangar currently proposed for construction at the Airport would, however, have the required fire sprinklers.

Fire Marshal Sheldon Reed pointed out that the Fire Department is committed to the validity of the fire sprinkler provision and such an amendment would apply to all future hangar construction at the Airport where additional north quadrant development is anticipated.

Council Members Anderson, Korest, Van Arsdale and Sullivan favored bringing an ordinance amendment back to the City Council for further consideration; Mayor Muenzer and Council Members Herms and Pennington indicated that they favored letting the current fire sprinkler requirements stand. Because a majority of the members of Council expressed the desire to

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consider an ordinance amendment as requested by the Airport Authority, staff will prepare such an amendment. In addition, Council Member Herms asked that staff also report back on what other types of buildings might be listed as exemptions from installation of fire sprinklers under the National Fire Protection Association Code.

Break: 10:50 a.m. to 10:58 a.m.

All members of Council were present when the meeting reconvened.

City Attorney Chiaro reported that Judge Blackwell had held a rehearing on the Coastland Mall issue and, while his previous ruling had not changed, he had clarified certain issues related to both petitions (one calling for repeal of Council's approval of the expansion of Coastland Mall and one calling for passage of an ordinance related by the size of shopping center developments and parking garages). The Judge had determined that the additional signatures submitted in conjunction with the latter petition could be counted, and Ms. Chiaro said that she had directed the City Clerk to accomplish this. The ordinances would come before the Council on June 16th. The City Attorney also noted that she had called to Judge Blackwell's attention that statutory public notification requirements on zoning issues could not be met if the Council reviewed these matters on the 16th. She said, however, that the judge's specific order relieved much of this concern, although every attempt would be made to comply with advertising requirements.

ITEM 4

**DISCUSSION OF PLACING THE OFFICE OF THE CITY CLERK UNDER
THE DIRECT JURISDICTION OF CITY COUNCIL**

City Attorney Chiaro reported that Council Member Herms had asked the Council to consider placing the City Clerk under its jurisdiction rather than under the City Manager. She said she had reviewed the history of applicable Charter provision. The Charter had been amended in 1977 changing the Clerk's reporting responsibilities from the Council to the Manager. She also had learned that this 1977 amendment had been made without the approval of the City Attorney, most likely because the Florida Home Rule Act prohibits amendment of certain city charter provisions without referendum, among them provisions which relate to the rights of City employees. Therefore, the reporting responsibilities of the Clerk had actually not changed and the City Clerk remains under the jurisdiction of the City Council.

The Council determined that a workshop would be scheduled at some future time for the Council to

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discuss amendment of the Charter so that it correctly reflects the reporting of the City Clerk

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to the City Council. In the interim, staff will survey other cities to determine the various reporting responsibilities of their City Clerks.

By informal consensus, Council Members indicated that they did not favor entering into an employment contract with the City Clerk nor did they favor the Council conducting an annual performance evaluation of the Clerk. However, several members of the Council indicated that if a contract were signed, annual performance evaluation by the Council would be appropriate.

ITEM 5

**DIRECTION FROM COUNCIL REGARDING PROPERTY LOCATED AT
2700 GORDON DRIVE**

Chief Planner John Cole displayed a video tape of the property in question and also played an audio tape of the noise which emits from the mechanical equipment there. Decibel readings indicate that the noise is not loud enough to violate ordinance provisions; nevertheless, the noise continues to be a source of irritation to the neighbors. Dr. Woodruff explained that the staff was now at the limit of its legal authority to deal with this problem and was therefore seeking Council's direction. Council Member Korest volunteered to contact acoustical engineer Robert Tanner for advice on possible amendment to the City's noise ordinance that would take into account frequency as well as decibel level (volume).

ITEM 6

**DIRECTION FROM COUNCIL REGARDING CLARIFICATION OF
UTILITY BILLING POLICY FOR GUEST HOUSES.**

Dr. Woodruff explained that a survey of utility accounts indicated that there was inconsistency in how homes with guest houses are billed. Approximately half are billed as two units with two water meters, and the other half are on a single meter and billed as one unit. He indicated that this was not a revenue issue, however. Finance Director Bill Harrison also pointed out that in an effort to treat customers equitably, the Council may want to determine whether guest houses which are rented should be differentiated for utility billing purposes from those which are used occasionally.

After discussion of advisability of registering guest houses used as rental units, it was determined that staff would contact owners of guest houses to offer them the option of having

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one water meter or separate meters for the main house and guest house. A second meter could be removed at the expense of the homeowner in order to receive a single water billing.

Break: 12:30 p.m. to 1:36 p.m.

Council Member Anderson left the meeting at 12:00 p.m. When the meeting reconvened, all members of Council were present, except Mrs. Anderson, who arrived at 1:55 p.m.

Community Development Director McKim then provided the Council with options for possible amendment to zoning standards for guest units. (A copy of this material is contained in the file for this meeting in the Office of the City Clerk.) This included amendment to design standards, regulation of guest houses used as rental units, and standards for renovation of existing guest units. Staff will arrange for individual members of Council to tour guest houses of various sizes prior to further discussion of amendments to guest unit standards.

ITEM 7

**DISCUSSION OF REQUEST TO EXTEND OPTION TO PURCHASE
EASTERN HALF OF ALLEY EAST OF THE W.T MILLER PROPERTY AT
U.S. 41 AND FIRST AVENUE SOUTH. CONTINUED FROM FEBRUARY
17, 1993.**

At the request of staff, this discussion was continued to a future meeting.

ITEM 8

**DISCUSSION OF OPTIONS FOR DISPOSAL OF HORTICULTURAL
WASTE. CONTINUED FROM APRIL 21, 1993.**

Community Services Director Mark Thornton advised that five bids had been received for grinding horticultural waste material into useable mulch. Of the four firms who were determined to be qualified, Kenetech Resource Recovery, Inc., at \$8.95 per ton, was being recommended by staff. Kenetech would chip all material on site which is brought to the City's horticultural landfill at a frequency related to volume. It would be up to the City to dispose of the chipped material, either

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through utilization in parks and on parkway areas of by giving it to citizens. In addition, Kenetech was proposing that a wood recycling program be developed at the City's horticultural landfill which would accept horticultural material from throughout the County. Currently it is estimated that the volume of horticultural material at the County landfill is 27,000 tons with 13,000 coming from inside the city limits. Kenetech estimates that by allowing material from all over the County, a volume of 20,000 tons could be realized for their chipping operation at the City landfill.

Mr. Thornton also pointed out that, without some type of chipping operation underway, the City is expending considerably more funds hauling horticultural material to the County landfill. He also explained that if chipped material was not completely used up, it would be much easier to dispose of because of greatly reduced volume. This mulch would be of a relatively high quality, although the expanded operation which Kenetech had proposed would achieve an even high grade of mulch because horticultural materials would be separated prior to chipping.

As outlined by Mr. Thornton, obstacles to the Kenetech proposal for expanding the chipping operation at the City landfill include: the need for additional land; the fact that citizens would not be able to receive mulch free of charge; and increased truck traffic coming into the City as horticultural materials are hauled in from County locations as well as traffic from trucks which would be hauling mulch out of the landfill. In conclusion, Mr. Thornton recommended that the bid be awarded to Kenetech for providing on site chipping services for materials generated by the City. Depending upon the success of the operation, the City could choose to acquire additional equipment to undertake its own operation, or Kenetech has offered to acquire the chipping equipment which the City already owns.

The staff was asked to provide the Council with an estimate of the level of truck traffic to and from the City's horticultural landfill should the private contractor processing the horticultural material be in the future permitted to accept materials from the area outside the City. Council Member VanArsdale also requested that staff provide a breakdown of the tonnage of horticultural material derived from various areas of the City.

Break: 3:15 p.m. to 3:35 p.m.

All members of Council were present when the meeting reconvened.

ITEM 9

REVIEW OF AGENDA ITEMS FOR WEDNESDAY, MAY 19, 1993,

REGULAR COUNCIL MEETING.

Item 6 - Variance Petition 93-V8 for pool screen enclosure

Staff will provide a video of the property at 1500 Bonita Lane to clarify questions raised by Council Members regarding the setbacks which were shown on the drawing provided in the City Council packet.

Item 8 - Adoption of the 1993 Level of Service Report

This item will be scheduled for a time certain (10:15 a.m.) and applicable staff members will be present to participate in this discussion. Staff will identify measuring points where various traffic counts were taken. Staff will also obtain an inventory of rental apartments provided by Naples Community Hospital to certain of its employees to determine whether these units may be considered as part of the City's affordable housing stock.

Item 9 - Amend Police and Fire Pension Plans

Because of concern expressed by Council Member Pennington, ordinances will be revised to provide that Fire and Police pension plans will be "acceptable" rather than "favorable" to the Internal Revenue Service.

Item 12 - Purchase of mobile burn unit for fire training

Staff is requesting that this item be continued.

Item 16 - Purchase of utility vehicle for Fire Department

Staff will display the Fire Department van which is proposed to be replaced.

Item 17 - Budget amendments

Staff will provide a detailed breakdown of expenses for a mail ballot election.

Item 23 - Amend boat and trailer storage requirements

Staff will research the definition of storage in the Comprehensive Development Code from the standpoint of its application to commercial vehicles and trailers, such as those used by lawn maintenance contractors, being parked in residential areas overnight.

Item 24 - Affordable housing proposals

The proposal from Robb Dering & Associates will be added to those considered under this item.

The following items will be added to the May 19th Regular Meeting agenda:

Item 25 - Appointment to the Planning Advisory Board pursuant to previously held interviews.

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Item 26 - Permit the use of a temporary structure by Long's Market on the Greyoaks property.

ANNOUNCEMENTS/CORRESPONDENCE/COMMUNICATIONS

None.

ADJOURN: 4:33 p.m.

PAUL W. MUENZER, MAYOR

Janet Cason
City Clerk

Tara A. Norman
Deputy City Clerk

These minutes of the Naples City Council were approved on June 2, 1993.

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