



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting - August 18, 1993 - 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  
Assistant City Manager Kevin Rambosk  
City Attorney Maria J. Chiaro  
Missy McKim, Community Development  
Director  
John Cole, Chief Planner  
Leighton Westlake, Engineering Manager  
Mark Thornton, Community Services  
Director  
Nick Long, Dock Master  
David Lykins, Recreation and Enterprise  
Superintendent  
Ann Walker, Planner II  
Susan Golden, Planner I  
George Henderson, Sergeant-At-Arms  
Marilyn McCord, Deputy City Clerk

Charles Andrews  
Werner W. Haardt  
Justyna Ford  
Robert Noble  
Tim O'Riley  
Dudley Goodlette  
Carol Loder  
George Archibald  
Jeff Perry  
Dr. Susan Short  
Other interested citizens and visitors

**Media:**

Eric Staats, Naples Daily News  
Denes Hustey, Fort Myers News Press

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## City Council Regular Meeting - August 18, 1993

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### ITEM 1

#### INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Dr. John A. Lindell of St. Matthew's House

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### ITEM 3

#### ITEMS TO BE ADDED

The following items will be added to the agenda:

- Item 17** Resolution authorizing gas tax agreement with Collier County.
- Item 18** Resolution accepting dedication of land from Seagate Property Owners Association
- Item 19** Resolution appointing members to pier consultant selection committee.

City Manager Woodruff told Council that staff, as directed at the August 16th Workshop, was further amending the lease form for commercial vessel tenants and was therefore requesting that Item 9-c be continued.

**MOTION:** To add Items 17, 18, and 19, and remove Item 9-c from the agenda.

Anderson	S	Y
Herns		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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### ITEM 4

#### ANNOUNCEMENTS

Mayor Muenzer and Dr. John Fitch of The Conservancy acknowledged the following veterinarians for their contributions to The Conservancy's Animal Rehabilitation Center:

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**City Council Regular Meeting - August 18, 1993**

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Dr. Jeff Noble and Dr. Damian Lin, St. Francis Animal Clinic  
Dr. John Lanier, Golden Gate Animal Clinic  
Dr. Dawn Waltenbaugh, Harborside Veterinary Clinic  
Dr. Ned Szempruch, Westcoast Veterinary Services  
Dr. Brandon Mills, St. Francis II Animal Clinic

Mayor Muenzer commended the veterinarians and presented each of them with a plaque in appreciation of their many hours of volunteer service. The Mayor commented that he was very impressed with the unselfishness of those involved in the Rehabilitation Center.

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**ORDINANCE NO. 93-6984**

**ITEM 7**

**AN ORDINANCE AMENDING SUBSECTION 3-83-1, "DEFINITION; PURPOSE; GENERAL REQUIREMENTS (FOR OBTAINING CONDITIONAL USES)", OF THE COMPREHENSIVE DEVELOPMENT CODE TO ALLOW FOR THE EXPANSION OF APPROVED CONDITIONAL USES UNDER SOME CONDITIONS WITH ADMINISTRATIVE REVIEW; 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
Herns	M	Y
Korest		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>		

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**ORDINANCE NO. 93-6985**

**ITEM 8**

**AN ORDINANCE AMENDING SUBSECTIONS (5) AND (10) OF SECTION**

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**City Council Regular Meeting - August 18, 1993**

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**7-7.1(B), AMENDING SUBSECTION 7-7.1(C), AND ADDING SUBSECTIONS 7-7.1(D) AND 7-7.1(E) TO THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, FOR THE PURPOSE OF ADOPTING REVISED POLICIES, RULES AND REGULATIONS FOR THE USE AND OPERATION OF THE CITY OF NAPLES MUNICIPAL DOCK; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the proposed policy relative to the sale of various items at the City Dock.

**Public Input: None.**

In response to Council Member Herms' question, City Attorney Chiaro confirmed that there was a lawsuit presently pending against the City Dock Master, which was filed by Mr. Gene Luciano with respect to his lease at the Dock. The lawsuit relates to the eviction of Mr. Luciano from the Dock. Mr. Herms requested that in the future Council be notified of any lawsuits filed against or by the City.

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

Anderson		Y
Herms		Y
Korest	S	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>		

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

**ITEM 13**

**APPROVAL OF MINUTES**

City Council Workshop Meeting	July 19, 1993
City Council Budget Review Workshop Meeting	July 19, 1993
City Council Budget Review Workshop Meeting	July 20, 1993
City Council Special Meeting	July 22, 1993

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**RESOLUTION NO. 93-6986**

**ITEM 14-a**

**A RESOLUTION APPROVING THE NOTICE TO CABLE OPERATORS OF ENFORCEMENT OF CUSTOMER SERVICE STANDARDS AND DIRECTING THE CITY MANAGER TO MAIL NOTICE TO AFFECTED CABLE OPERATORS; AND PROVIDING AN EFFECTIVE DATE.**

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**RESOLUTION NO. 93-6987**

**ITEM 14-b**

**A RESOLUTION APPROVING THE SUBMISSION OF FORM 328 REQUESTING RATE REGULATION CERTIFICATION FROM THE FEDERAL COMMUNICATIONS COMMISSION (FCC) AND DIRECTING THE CITY MANAGER TO MAIL A COMPLETED APPLICATION TO THE FCC; AND PROVIDING AN EFFECTIVE DATE.**

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**RESOLUTION NO. 93-6988**

**ITEM 15**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSENT AND JOINDER TO MUTUAL USE AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY TO JOINTLY OCCUPY AN EASEMENT ON A PARCEL OF LAND LYING IN LOT 38, NAPLES GROVE & TRUCK COMPANY, LITTLE FARMS NO. 2, A/K/A GULFGATE PLAZA; AND PROVIDING AN EFFECTIVE DATE.**

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**RESOLUTION NO. 93-6989**

**ITEM 16**

**A RESOLUTION APPOINTING MEMBERS  
TO THE CODE ENFORCEMENT BOARD;  
AND PROVIDING AN EFFECTIVE DATE.**

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>		

**MOTION:** To **APPROVE** the consent agenda, consisting of Items 13, 14-a, 14-b, 15, and 16. To appoint Ray J. Hill and Renee Zepeda G. and reappoint Tyler Janney to the Code Enforcement Board. (Item 16)

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

**RESOLUTION NO. 93-**

**ITEM 18**

**A RESOLUTION ACCEPTING A WARRANTY DEED DEDICATING A STRIP OF LAND LYING BETWEEN CRAYTON ROAD AND SEAGATE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, OWNED BY THE SEAGATE PROPERTY OWNERS ASSOCIATION; AND PROVIDING AN EFFECTIVE DATE.**

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**City Council Regular Meeting - August 18, 1993**

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Title read by City Attorney.

City Manager Woodruff explained that if Council accepts this parcel of property, the City will proceed to landscape it by using Capital Improvement Program funds.

Because Council had questions with respect to the deed, Dr. Woodruff suggested continuing the item until later in the meeting.

**MOTION:** To **TABLE** Item 18 until later in the meeting.

Anderson		Y
Hermes	S	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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**ORDINANCE NO. 93-6990**

**ITEM 5**

**AN ORDINANCE AMENDING SUBSECTIONS 8-1-4(E)(2), 8-1-9(3) AND 8-1-9(9) OF THE COMPREHENSIVE DEVELOPMENT CODE; ADDING SUBSECTION 8-1-10 "ADMINISTRATIVE WAIVER", TO THE COMPREHENSIVE DEVELOPMENT CODE, IN ORDER TO REGULATE THE SIZE, NUMBER AND PLACEMENT OF REAL ESTATE SIGNS AND CONSTRUCTION PROJECT SIGNS WITHIN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS, AND TO PROVIDE FOR AN ADMINISTRATIVE WAIVER FROM PLACEMENT REGULATIONS WHEN ADEQUATE VISIBILITY IS PREVENTED FOR SIGNS PLACED IN CONFORMANCE WITH THESE REGULATIONS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Chief Planner John Cole reviewed the item and responded to comments made by Council at their August 16th Workshop Meeting. Signs of various sizes were displayed for perusal by Council and the public. Mr. Cole noted that this ordinance has been revised in accordance with the approval motion made at first reading in order to:

- Limit color to black on white.
- Establish a minimum dimension of six inches.

- . Limit standards (posts) to two inches by two inches.

**Public Input:**

**Carol Loder, 1455 Pine Ridge Road**

Ms. Loder, Government Issues Chair for the Naples Area Board of Realtors (NABOR), addressed Council and presented some sample signs, which utilized lettering identical in size to that used by optometrists on eye charts. Ms. Loder told Council that NABOR was suggesting a compromise, as follows:

- . Signs to be set back 15 feet from the pavement.
- . Signs to be four feet high from the ground, resulting fewer requests for waivers.
- . One sign per property.
- . Sign size to be twelve inches by eighteen inches.
- . Sign posts to be two inches by two inches, aluminum, in the same color as signs and placed a minimum of eighteen inches into the ground.
- . Real estate signs to be in approved company colors, to insure identification and the integrity of the company and its logo.
- . Ordinance to be put into effect January 1, 1994.

Ms. Loder said that NABOR encourages the City to ticket and fine those offenders who do not abide by current City ordinance.

**Attorney Dudley Goodlette, 3001 North Tamiami Trail**

Representing NABOR, Attorney Goodlette summarized the advice he had given to NABOR in the event they should choose to protest Council's final decisions regarding real estate signs. He cited several cases pertaining to signs and violations of free speech rights. Attorney Goodlette focused on the size and colors recommended and noted that the proposed ordinance does constitute unreasonable restrictions on First Amendment rights. He stated, "We think there is a strong precedent for your not adopting an ordinance that is too restrictive of free speech rights. This is not just a NABOR issue; it's a private property issue." Attorney Goodlette commented that an important point to consider was the fact that homeowners need to market their properties for sale.

Council Member Pennington, responding to Attorney Goodlette's comments about property rights, noted that Council had originally been asked to consider changes to the ordinance by private property organizations.

In response to Council Member Van Arsdale's question, Ms. Loder said that NABOR had conducted a random poll of approximately 12% of the real estate firms in Naples. She said that 89% of those responding preferred to leave the signs as they exist currently. The poll was conducted by a



professional pollster.

**Ed Newman, 3150 Crayton Road**

Mr. Newman, who is President of the Moorings Property Association and Chairman of the Presidents' Association, told Council that both groups continue to support the proposed sign ordinance. He said that the proposed ordinance was consistent with efforts to improve the appearance of Naples and he does not believe it would impede sales.

**Robert E. Noble, 1100 Ninth Street South**

Mr. Noble, representing the Board of Directors of the Old Naples Association, reiterated the Association's support of the proposed ordinance but stated that it should be a City-wide ordinance and not applied to only one area. Mr. Noble said, "We're concerned about the appearance of the City. The time has come to take a hard line on signs." In response to Council Member Anderson, Mr. Noble said that the Association would prefer smaller signs.

**Phil Wood, 3255 Tamiami Trail North**

Representing John R. Wood Real Estate, Inc., Mr. Wood brought attention to the traffic hazard aspect of very small real estate signs. He also pointed out that his firm presently had 67 signs out at the present time, noting that it would be expensive to change all of the signs. However, said Mr. Wood, "We are happy to compromise." Mr. Wood told Council that logos on signs are important and the color of the logos crucial for identification purposes. He brought attention to the fact that City signs exist in several different colors, which does not seem to be consistent with the proposed regulations.

**Whit Ward, 3227 Horseshoe Drive South**

Representing the Collier Building Industry Association, Mr. Ward addressed the purpose of contractor signs. Those signs identify the contractor and the license numbers. Mr. Ward said that those signs should also include emergency phone numbers for after-hours emergencies. He also referred to some City signs, which do not comply to the proposed regulations, and recommended that whatever is decided should be applied equally City-wide. Mr. Ward concluded, "I encourage you to consider the rights of our industry and the rights of individuals."

**Greg Gorman, 1600B Spoonbill Lane**

Mr. Gorman described the Coral Gables sign ordinance to Council, noting that when he attempted to sell his Coral Gables home, he was allowed a sign no more than 44 square inches in size, which resulted in several problems.

**Dodie Briskey, 4236 Crayton Road**

Ms. Briskey told Council that she never would have found a home in Naples without the real estate signs in evidence. With respect to comments attributed to various homeowners groups, Ms. Briskey

said that she belonged to two of them and no one had ever asked her what her opinions were about signage.

**Doug Nelson, 5131 Kristin Court**

Mr. Nelson, who is also a member of NABOR, told Council that he also supports the citing and ticketing of offenders. He expressed support of a particular neighborhood requesting changes but noted that perhaps those were not the correct changes for the entire City. With respect to contractor signs, Mr. Nelson said that they must include the license number and noted that it was difficult to place a seven or eight digit number as well as other information on a small sign. Addressing the sign posts, Mr. Nelson said that years of research had resulted in the posts currently used. He also emphasized that company logos were important to the real estate industry.

Council discussed the proposed regulations at length and agreed that the City was also guilty of contributing to excessive signage. Council Member Pennington pointed out that City signs were presently being addressed. Council Member Korest commented, "I originally thought eight inches by twelve inches would be ideal, however I'm somewhat persuaded to consider twelve inches by eighteen inches. If there are abuses, I'd be in favor of reopening it. To continue to belabor this issue would drag on and not result in significant benefit to anyone."

Council Member Herms suggested that because the real estate market is poor at this time, signs are prominent and have presented more of a problem than they normally would. He noted, "When the economy turns around, the impression will be much less. I recommend a compromise of twelve inches by eighteen inches."

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**City Council Regular Meeting - August 18, 1993**

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Council Member Van Arsdale stated that in his opinion "For Sale" signs were intrusive and he favored the smaller sized signs. Although the City is the worst offender, said Mr. Van Arsdale, steps are being taken to correct that. Vice Mayor Sullivan commented, "I've never been happy with the intrusion of government into every aspect of our lives. I think we're within our prerogative to do something about the size, however, to dictate the color...what are we doing here? I think this goes beyond our charge." Mayor Muenzer said that those people attempting to sell their homes should be considered in this matter.

**MOTION:** To **ADOPT** the ordinance at second reading, with the following changes: In Section 9(b) instead of "maximum size", state "Size eight inches by twelve inches. In place of "maximum height," state "Height three feet from the top of the sign to the ground. With respect to standards, state "Single standard only, two inches by two inches, made of aluminum, painted white.

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

(2-5)  
**M=Motion S=Second**  
**Y=Yes N=No A=Absent**

**NOTE: The motion failed by a vote of 2-5.**

**MOTION:** To **ADOPT** the ordinance at second reading with the following changes:

- . Maximum size of sign to be eighteen inches by twelve inches.
- . Maximum height to be three feet from the top of the sign to the ground except where obstructions are present. Four feet may be permitted with the sign to be placed behind a fence or hedge where in existence.
- . Color to be black on white background only, providing 20% space for the company logo, in the company colors.
- . Single standards allowed only, not to exceed two inches by two inches, installed eighteen inches into the ground, with non-reflective white paint.
- . Construction signs must comply with the same requirements as real estate signs.
- . The ordinance is to be effective on January 1, 1994.

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

(6-1)  
**M=Motion S=Second**  
**Y=Yes N=No A=Absent**

Council Member Van Arsdale cast the only dissenting vote, stating that in his opinion Council was

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**City Council Regular Meeting - August 18, 1993**

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compromising the quality of the City.

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**BREAK: 11:35 a.m. - 11:45 a.m.**

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**RESOLUTION NO. 93-6991**

**ITEM 17**

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH COLLIER COUNTY, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, FOR ALLOCATION OF AN ADDITIONAL FIVE (5) CENT LOCAL OPTION GAS TAX FOR A PERIOD OF TEN (10) YEARS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Collier County Transportation Services Director George Archibald reviewed the ordinance passed by the Board of County Commissioners allocating a new five cent local option gas tax, to be effective January 1, 1994, and running for a period of ten years. Mr. Archibald told Council that the County would develop a program of "pay as you go" for the first five years. He reported on the status of the County's capital improvement projects which will be funded by the gas tax and explained how projects are added to and deleted from the list on an annual basis.

Metropolitan Planning Organization Coordinator Jeff Perry reviewed population projections for the area, noting that increased populations will result in changes to concurrency needs.

Mr. Archibald explained that based on projections, the City's annual allocations from the gas tax will be \$638,260.00 annually. The City currently receives 19.1% of the Collier County six cent local option gas. Council and Mr. Archibald discussed the method used to calculate the percentages. Calculations are made according to State Statute. The Statute makes provisions for the interlocal agreement to allow the County and the City the ability to review their needs.

City Manager Woodruff told Council that staff was comfortable with the interlocal agreement as written, based on a ten year period. Dr. Woodruff recommended that the agreement be adopted for a ten year period and staff will continue to analyze this issue with County staff and report back to Council. He confirmed that assuming Council passes the resolution establishing a ten year agreement with no five year clause, it can be reviewed on an annual basis. Council Member

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**City Council Regular Meeting - August 18, 1993**

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Pennington concurred: "A ten year agreement gives us ten years of flexibility."

**Public Input: None.**

**MOTION:** To **APPROVE** the resolution as presented, authorizing the City Manager and City Clerk to execute an interlocal agreement with Collier County for a period of ten years.

Anderson		Y
Herms	S	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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**ORDINANCE NO. 93-**

**ITEM 6**

**AN ORDINANCE AMENDING THE NAPLES COMPREHENSIVE DEVELOPMENT CODE, SUBSECTION 7-4-12 ("HC") HIGHWAY COMMERCIAL DISTRICT, AMENDING SUBSECTION 7-4-22 ("PD") PLANNED DEVELOPMENT DISTRICT AND AMENDING SUBSECTION 9-3-4 TO RESTRICT THE SIZE OF SHOPPING CENTERS AND TYPES OF PARKING FACILITIES IN THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

City Attorney Chiaro reviewed recent events in this matter, noting that a stay is in place under the District Court of Appeals. All necessary legal documents support Council's action. Council Member Herms expressed his concern that Members of Council were named individually in the suits. City Attorney Chiaro commented that she had chosen not to challenge the procedural approach although she did not agree that was a proper way to sue a governmental agency. For the record, Ms. Chiaro stated, "This is not an exposure individually." Mr. Herms remarked on the confusion that may occur, noting, "If somebody in the public reads that, they may think that I've taken a position of saying that the residents don't have the right to petition the government and try and overturn the governmental process. But in reality, it's just a formality that takes place because of

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**City Council Regular Meeting - August 18, 1993**

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previous lawsuits." Mr. Herms asked that the public be very clear in understanding that he was not in support of the counter claim suit.

**NO ACTION REQUIRED.**

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**LUNCH RECESS: 12:30 p.m. - 2:05 p.m.**

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**ITEM 12**

**APPEAL OF FIRE CODE REQUIREMENTS BY DR. SUSAN W. SHORT,  
1090 SIXTH AVENUE NORTH.**

Fire Marshal Sheldon Reed reviewed the City's Code requirements, noting that a focus during the past year had been the Life Safety Code's concern about egress and ingress so that children or people in wheelchairs are not trapped inside a room. Doorknobs must also be easily accessible in the dark. Mr. Reed said that his argument to Dr. Short was that, if a parent is always supervising a child in a treatment room, there should be no need for higher doorknobs. This site has been inspected twice since the Life Safety Code was adopted. In response to Council Member Herms, Mr. Reed read the Code language pertaining to this case and explained the Code's intent. Council Member Anderson told staff that they had acted correctly, in bringing this matter to Council.

Dr. Susan Short, who had filed the appeal, answered Council's questions. Council further discussed the situation and City Attorney Chiaro said that she would research the issue.

**MOTION:** To **APPROVE** Dr. Short's appeal, based on approval by the City Attorney.

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

(7-0)

**M=Motion S=Second**

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

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**RESOLUTION NO. 93-6992**

**ITEM 9-a**

**A RESOLUTION ADOPTING THE FINANCIAL POLICY FOR THE  
NAPLES CITY DOCK; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

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**City Council Regular Meeting - August 18, 1993**

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City Manager Woodruff reviewed the item and reported that under this policy approximately \$57,261.00 will be added to the budget. Responding to Council Member Korest, Community Services Director Mark Thornton said that the Dock's payment in lieu of taxes amounted to the same millage rate as any other property owner within the City.

**Public Input: None.**

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

Anderson			A
Hermes	M	Y	
Korest		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>			

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**RESOLUTION NO. 93-6993**

**ITEM 9-b**

**A RESOLUTION ADOPTING A FORMULA FOR CALCULATING THE FUEL MARK-UP TO ESTABLISH RETAIL PRICES CHARGED AT THE NAPLES CITY DOCK ON DELIVERIES FROM FUEL SUPPLIERS, AND TO ESTABLISH THE ALLOWABLE MARK-UP RANGE ON WHOLESALE DELIVERED FUEL; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

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

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



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**City Council Regular Meeting - August 18, 1993**

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**RESOLUTION NO. 93-**

**ITEM 9-c**

**A RESOLUTION ADOPTING A COMMERCIAL LEASE FORM FOR COMMERCIAL VESSEL TENANTS MOORED AT THE NAPLES CITY DOCK; AND PROVIDING AN EFFECTIVE DATE.**

**NOTE:** It was determined by vote of Council at the beginning of this meeting to continue this items at a future time.

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**RESOLUTION NO. 93-6994**

**ITEM 19**

**A RESOLUTION APPOINTING A CONSULTANT SELECTION COMMITTEE FOR THE PURPOSE OF REVIEWING PROPOSALS SUBMITTED BY PROFESSIONAL ENGINEERING FIRMS WISHING TO SERVE THE CITY OF NAPLES AS THE "CONSULTING ENGINEER" TO PROVIDE DESIGN SERVICES FOR THE REPAIR AND RENOVATION OF THE NAPLES CITY PIER; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff explained that a selection committee must be appointed, by resolution, for the purpose of reviewing the proposals and qualifications of the consultants. The committee must then make a recommendation to Council for selection of the consultant with whom a contract for the work will be executed. Dr. Woodruff requested that Council approve this resolution appointing one Council Member, Assistant City Manager Kevin Rambosk, and Community Services Director Mark Thornton to the selection committee.

**Public Input: None.**

**MOTION:** To **APPROVE** the resolution and appoint Council Member Korest to the selection committee.

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

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**RESOLUTION NO. 93-6995**

**ITEM 10**

**A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG), IN THE AMOUNT OF \$158,000.00, A PORTION TO BE USED AS FINAL PAYMENT OF THE CAPITAL IMPROVEMENT REVENUE BOND ISSUED TO ASSIST IN THE ACQUISITION OF 2.73 ACRES OF PROPERTY DESIGNATED FOR AFFORDABLE HOUSING; A FIRST TIME HOMEBUYERS ASSISTANCE PROGRAM; AND A PAINT AND EMERGENCY REPAIR PROGRAM; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Planner Susan Golden reviewed the item, informing Council that staff recommends approval of the CDBG (Community Development Block Grant) final statement application. The application earmarks the annual entitlement for the repayment of bond issue debt service, a homebuyers assistance program, paint & emergency repairs, landscaping and street improvements, and a bicycle path/sidewalk for the North Road affordable housing site. Ms. Golden explained that these are all HUD eligible activities and are in accordance with HUD national objectives as well as furthering the intent of the City's Comprehensive Plan.

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**City Council Regular Meeting - August 18, 1993**

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Collier County Affordable Housing Director Greg Mihalic described the zero interest loan concept, which need not be paid until the property is sold. He said that the Affordable Housing Commission hopes to continue using such programs as well as locating other funding sources. Ms. Golden verified that the CDBG program allows the purchase of homes only within the City's jurisdiction.

**Public Input: None.**

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

Anderson			A
Herms	M	Y	
Korest		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>			

In reply to Council's questions, City Manager Woodruff said that staff can structure a first time homebuyers assistance program, if Council is supportive of the concept. Council Member Herms commented, "I'm concerned about giving away Federal money. When people get things for free, responsibility isn't instilled in them." However, said Vice Mayor Sullivan, this program could assist people who are economic prisoners and provide them some assistance. Mr. Sullivan remarked, "This is something we can be proud of."

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**ORDINANCE NO. 93-**

**ITEM 11**

**AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA PERTAINING TO THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM (SHIP); SETTING FORTH FINDINGS; ACKNOWLEDGING THAT COLLIER COUNTY HAS ESTABLISHED A LOCAL HOUSING PARTNERSHIP WITH THE CITY OF NAPLES BEING A PARTICIPANT; ACKNOWLEDGING THAT FUNDS REQUIRED TO BE PLACED IN THE LOCAL HOUSING ASSISTANCE TRUST FUND CREATED BY COLLIER COUNTY WILL BE SO DEPOSITED BY THE CITY; DECLARING THAT THE CITY OF NAPLES WILL PARTICIPATE IN THE LOCAL HOUSING ASSISTANCE PROGRAM ESTABLISHED BY COLLIER COUNTY; CONFIRMING THAT COLLIER COUNTY IS THE ENTITY DESIGNATED AS RESPONSIBLE FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE LOCAL HOUSING ASSISTANCE PROGRAM; AFFIRMING THAT THE CITY OF NAPLES WILL PARTICIPATE IN THE ACTIVITIES OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE ESTABLISHED BY COLLIER COUNTY;**

**PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF IF DECLARED INVALID; PROVIDING FOR READING BY TITLE ONLY AND; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

In reviewing this item, Planner Golden said that although the local Housing Assistance Plan and all required documents were submitted to the Florida Housing Finance Agency (FHFA) prior to the April 30, 1993 deadline, the funding has not yet been released. The FHFA required the County to amend its plan, removing some previously proposed housing activities. In July the FHFA requested removal of some language in the County impact fee ordinance, which the Board of County Commissioners will address on August 10, 1993.

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**City Council Regular Meeting - August 18, 1993**

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Ms. Golden reported that the FHFA has also requested that the City adopt an ordinance which indicates that the City is accepting, through an interlocal agreement, the Collier County Local Housing Assistance Program, the Collier County Local Housing Assistance Trust Fund, the Collier County Housing Advisory Committee, and the County as the administering agency for the City's SHIP (State Housing Initiative Partnership) Program. This ordinance is required to provide for the release of the SHIP funds.

**Public Input: None.**

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

Anderson		Y
Herns	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. 93-**

**ITEM 18**

**A RESOLUTION ACCEPTING A WARRANTY DEED DEDICATING A STRIP OF LAND LYING BETWEEN CRAYTON ROAD AND SEAGATE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, OWNED BY THE SEAGATE PROPERTY OWNERS ASSOCIATION; AND PROVIDING AN EFFECTIVE DATE.**

**(CONTINUED FROM EARLIER IN THE MEETING)**

City Manager Woodruff supplied background information about the Seagate and Park Shore areas. Council discussed accepting the warranty deed with the exclusions requested by the Seagate Property Owners Association. Mayor Muenzer mentioned maintaining the ability to install a small playground on the site sometime in the future, which would not be allowed under the proposed deed language. Dr. Woodruff confirmed that Council had the right to establish the conditions under which the property is accepted. During discussion, Council agreed that Section 3 of the deed and the fourth "Whereas" in the resolution should be deleted. Dr. Woodruff commented, "I think that where we are basically is at an impasse, and that we negotiated in good faith and in what I thought was the best interest of the City." He continued, "Through this, we can create a real beautiful area up there

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## City Council Regular Meeting - August 18, 1993

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using public money that benefits Seagate and others, but our initial efforts were to accept the deed with absolutely no encumbrances on it. They have their desires, we have our desires. Our desires would obviously be to have them landscape it and then totally deed it. That's not realistic." Dr. Woodruff reminded Council that the greatest fear of the residents in that area was that by giving this land or even holding it in their ownership for the future, that this Council or a future Council will try to make a connection through this property to Crayton Road. That's what their fear is."

Dr. Woodruff said that staff will go back to the Association and relay Council's conditions. If they are willing to comply with those conditions, staff will bring Council a new deed. If not, staff will bring back a report.

**MOTION:** To **TABLE** the item. Staff is directed to offer Council's conditions to the Seagate Property Owners Association and report back to Council.

Anderson		Y
Herns	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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## CORRESPONDENCE AND COMMUNICATION

Council Member Anderson reflected on comments she had made at the August 16th Council Workshop with respect to separate sleeping facilities for men and women firefighters. Dr. Woodruff told Council that the City's labor attorney had been asked for a written report on his opinion. Mrs. Anderson stated, "I was approached personally after that conversation and told that we really shouldn't make an issue of this because there were only two female firefighters and they were just now starting to be accepted as part of the team, and that if any issue was made out of this it would probably cause some disruption and upheaval with their integration into the system. I'd like to make it abundantly clear, and I don't think there is any question in your mind where I'm coming from, but there may be with others, that this is not an issue of women's rights. This is strictly an issue of rights and personal privacy and I would be just as upset if there were only two male firefighters." Finally, said Mrs. Anderson, "Should the prediction in my prior comment come true by this other person, that making this an issue caused even the first ripple of flack in the Fire Department amongst the staff, I feel that it is appropriate, and I know that Dr. Woodruff will make certain, that the Fire Department administration be held completely accountable and that I have complete faith in the Chief's desire to do what is right in this issue and that he will continue to provide the leadership commensurate with keeping this from becoming a disruption to any firefighter in the performance of

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**City Council Regular Meeting - August 18, 1993**

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his or her duty, and also in the furtherance of unity of spirit in the Naples Fire Department."

Council Member Herms concurred that separate sleeping quarters was an important consideration, noting, "One of the things that I see here is that we need to encourage, in my estimation, women to participate in this profession, and in doing so, we needn't set up situations that may offend individuals where they would not want to participate in this profession." Mr. Herms said, therefore, that redesigning the bunk area could be an advantage to the two current, as well as future, female firefighters. He added that a bit of architectural redesign of the facility may meet all of the needs.

Council Member Anderson thanked Dr. Woodruff for taking this issue seriously and commended him and staff.

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Council Member Herms announced that bids were going out for a new steel roof on the Equipment Management facility. He will be examining the structure and reporting back to Council as to the need for a complete new roof.

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City Manager Woodruff announced that there would be a meeting of the Community Redevelopment Agency at 2:00 p.m. on Monday, August 23, 1993.

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**OPEN PUBLIC INPUT**

**None.**

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**ADJOURN: 3:55 p.m.**

**PAUL W. MUENZER, MAYOR**

Janet Cason  
City Clerk

Marilyn McCord

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**City Council Regular Meeting - August 18, 1993**

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Deputy City Clerk

These minutes of the Naples City Council were approved on September 1, 1993.





**Index**  
**City Council Regular Meeting**  
**August 18, 1993**  
Convened 9:00 a.m. / Adjourned 3:55 p.m.

<b>ADJOURN</b>	20
<b>ANNOUNCEMENTS</b>	2
<b>APPEAL OF FIRE CODE REQUIREMENTS</b>	
Dr. Susan Short	13
<b>APPROVAL OF MINUTES</b>	4
<b>CORRESPONDENCE AND COMMUNICATION</b>	19
<b>INVOCATION AND PLEDGE OF ALLEGIANCE</b>	2
<b>ITEMS TO BE ADDED</b>	2
<b>OPEN PUBLIC INPUT</b>	20
<b>ORDINANCE NO. 93- (First Reading)</b>	
State Housing Initiatives Partnership Program	17
<b>ORDINANCE NO. 93- NO ACTION REQUIRED</b>	
Amend Comp Devel Code/Restrict Size of Shopping Centers	12
<b>ORDINANCE NO. 93-6984</b>	
Amend Comp Devel Code/Expansion of Approved Conditional Uses	3
<b>ORDINANCE NO. 93-6985</b>	
Amend Code of Ord/Revised Policies/City Dock	3
<b>ORDINANCE NO. 93-6990</b>	
Amend Comp Devel Code/Real Estate & Project Signs	6
<b>RESOLUTION NO. 93- (CONTINUED)</b>	
Adopt Commercial Lease Form/City Dock	15
<b>RESOLUTION NO. 93- (TABLED)</b>	
Accept Warranty Deed for Easement/Seagate Dr & Crayton Rd	6
<b>RESOLUTION NO. 93-6986</b>	
Enforcement of Customer Service Standards/Cable Operators	5
<b>RESOLUTION NO. 93-6987</b>	5
Submission of Form 328/Rate Regulation Certification	5

<b>RESOLUTION NO. 93-6988</b>	
Mutual Use Agree/Jointly Occupy Easement/Gulfgate Plaza .....	5
<b>RESOLUTION NO. 93-6989</b>	
Appoint Members to Code Enforcement Board .....	5
<b>RESOLUTION NO. 93-6991</b>	
Five Cent Gas Tax/Interlocal Agreement .....	11
<b>RESOLUTION NO. 93-6992</b>	
Adopt Financial Policy for Naples City Dock .....	13
<b>RESOLUTION NO. 93-6993</b>	
Fuel Mark-up Formula to Establish Prices at City Dock.....	14
<b>RESOLUTION NO. 93-6994</b>	
Appoint Consultant Selection Comm for Consulting Engineer.....	15
<b>RESOLUTION NO. 93-6995</b>	
Submit Application for Funding to HUD/Comm. Block Grant Program.....	16
<b>ROLL CALL</b> .....	1