



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - November 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	Werner W. Haardt
Maria J. Chiaro, City Attorney	Charles Andrews
Mark Thornton, Community Serv. Director	Attorney Kim Kobza
Missy McKim, Community Development Dir.	Attorney Louis Amato
Ann Walker, Planner II	Lee Dailey
George Henderson, Sergeant-At-Arms	Charles Doray
Marilyn McCord, Deputy City Clerk	Lodge McKee
Katie Gibson-Jones, Administrative Assistant	

Media:

Eric Staats, Naples Daily News
Jerry Pugh

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It is noted for the record that Deputy City Clerk Marilyn McCord acted as recording secretary from 9:00 A.M. to 10:30 A.M. and Katie Gibson-Jones acted as recording secretary from 10:30 A.M. until adjournment.

ITEM 1

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor David Mallory
First Assembly of God

ITEM 3

ITEMS TO BE ADDED

The following items were added to the agenda:

- . Hiring of consultant Walter Kulash to consider roundabout at U.S. 41 and Fifth Avenue South.
- . Discussion of contract with Supervisor of Elections Mary Morgan.
- . Hiring of consultant to review permits issued for The Enclave condominium.

MOTION: To amend the agenda, adding Items 18, 19, and 20 as described above.

Anderson			A
Hermes	M	Y	
Korest		Y	
Pennington	S	Y	
Sullivan		Y	
VanArsdale			A
Muenzer		Y	
(5-0)			

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

City Manager Woodruff requested that Council consider continuing Item 13, pertaining to the North Road annexation issue, on the basis that the South West Florida Regional Planning staff is in the process of finalizing its review. Dr. Woodruff noted that all parties involved concurred with the continuance.

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Public Input:

Attorney Kim Kobza

Attorney Kobza, who represents property owners in opposition to the annexation, told Council that there was a certain logic in continuing since everyone would have the benefit of the Planning Council information.

MOTION: To **CONTINUE** Item 13 to December 15, 1993.

ITEM 4

Anderson			A
Herns		Y	
Korest		Y	
Pennington	S	Y	
Sullivan	M	Y	
VanArsdale			A
Muenzer		Y	
(5-0)			
M=Motion S=Second			
Y=Yes N=No A=Absent			

ANNOUNCEMENTS

City Manager Woodruff announced the results of the November 2, 1993 mail ballot election on the question of the Bear's Paw annexation. Of the valid votes cast, 112 were FOR annexation of Bear's Paw as described in Ordinance 93-6970 and 67 were AGAINST the annexation of Bear's Paw. A copy of the Certificate of County Canvassing Board is included in these minutes as Attachment #1.

*******CONSENT AGENDA*******

ITEM 15

APPROVAL OF MINUTES

City Council Workshop Meeting October 11, 1993
City Council Regular Meeting October 20, 1993

ITEM 16

**AWARD OF ANNUAL CONTRACT FOR BID WATER/WASTEWATER
CHEMICALS ANNUAL CONTRACT**

ITEM 17

**APPROVAL FOR LEGAL SERVICES RELATIVE TO FEBRUARY 1994
CITY GENERAL ELECTION**

MOTION: To **APPROVE** the consent agenda,
consisting of Items 15, 16, and 17.

Anderson			A
Herns			A
Korest		Y	
Pennington	M	Y	
Sullivan	S	Y	
VanArsdale			A
Muenzer		Y	
(4-0)			
M=Motion S=Second			
Y=Yes N=No A=Absent			

ORDINANCE NO. 93-

ITEM 5-a

**AN ORDINANCE APPROVING REZONE PETITION 93-R7, REZONING
PROPERTY OCCUPIED BY THE CITY PIER PARKING LOT AND THE
PALM COTTAGE HISTORIC HOME MUSEUM, LOCATED AT THE
SOUTHEAST CORNER OF 12TH AVENUE SOUTH AND GULF SHORE
BOULEVARD SOUTH, MORE PARTICULARLY DESCRIBED HEREIN,
FROM "R3T-12," MULTIFAMILY RESIDENTIAL, AND "R1-10," SINGLE
FAMILY RESIDENTIAL, TO "PS," PUBLIC SERVICE, TO BRING THE
PROPERTIES INTO COMPLIANCE WITH THE COMPREHENSIVE
PLAN'S FUTURE LAND USE MAP DESIGNATION OF PUBLIC AND
SEMI-PUBLIC INSTITUTIONAL; AND PROVIDING AN EFFECTIVE**

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DATE.

Title read by City Attorney Chiaro.

The item was reviewed by Planner Ann Walker.

Public Input:

Marilyn L. Andrews, 111 12th Avenue South

Mrs. Andrews displayed several photographs depicting parking situations at the Palm Cottage. She told Council that sometimes her driveway is blocked by vehicles going to the Palm Cottage. Permits are not always pulled for erecting tents or sponsoring special events, she noted. Mrs. Andrews commented, "In my opinion the guidelines set up by City planners are far too weak to allow for activities at Palm Cottage." She said that the requirements for Public Service zoning are not met. Mrs. Andrews also informed Council that the Historical Society does not supervise large parties at Palm Cottage. Mrs. Andrews said that she could anticipate no relief for herself in the future and was asking Council what to do. She stated, "I'm the most impacted neighbor. I'm there twelve months a year. If the City won't accept responsibility for the impact to me, I shall be forced to seek relief in the courts."

Council Member Pennington pointed out that the proposed rezoning was not only to conform to the Cottage's use, but to conform to the City's future land use, which has been in planning since 1989. The rezoning will make the property consistent with the Comprehensive Plan. He gave Mrs. Andrews his word that the parking problem would be addressed and regulations enforced.

Planner Walker answered Council's questions with regard to conditional uses. Approving the conditional use will give some control of activities that take place at Palm Cottage.

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

With respect to Items 5-b and 5-c, City Attorney Chiaro explained that those were on the agenda for Council's review but will not be considered until second reading of Item 5-a.

Anderson			A
Hermes		Y	
Korest	M	Y	
Pennington	S	Y	
Sullivan		Y	
VanArsdale			A
Muenzer		Y	
(5-0)			
M=Motion S=Second			
Y=Yes N=No A=Absent			

NOTE: Council Member Van Arsdale arrived at 9:50 a.m.

Council discussed the fact that rigid controls are needed for the music allowed at Palm Cottage events. A time limit of 10:00 p.m. for music will be enforced. Council Member Korest asked that everyone keep in mind the fact that Palm Cottage is the community's prime historic place. He said, "It might be well for representatives from the Historical Society to have some balance so that we can balance the needs on both sides."

RESOLUTION NO. 93-

ITEM 5-b

A RESOLUTION GRANTING VARIANCE PETITION 93-V18 FROM SUBSECTION 7-4-23 OF THE COMPREHENSIVE DEVELOPMENT CODE, ESTABLISHING MINIMUM LOT SIZE AND LOT WIDTH STANDARDS WITHIN THE "PS", PUBLIC SERVICE, ZONING DISTRICT, PERMITTING THE REZONING OF THE PALM COTTAGE HISTORIC HOME MUSEUM, LOCATED AT 137 12TH AVENUE SOUTH, ON A PARCEL OF GROUND WHICH DOES NOT MEET THESE STANDARDS; AND PROVIDING AN EFFECTIVE DATE.

NOTE: This resolution will be considered at the time of second reading of the ordinance pertaining to Palm Cottage.

RESOLUTION NO. 93-

ITEM 5-c

A RESOLUTION APPROVING CONDITIONAL USE PETITION 93-CU18, ALLOWING THE COLLIER COUNTY HISTORICAL SOCIETY THE CONTINUED USE OF PALM COTTAGE, 137 12TH AVENUE SOUTH, AS A HISTORIC HOME MUSEUM, SUBJECT TO THE CONDITIONS AS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Public Input:

Charles Doray, President of the Collier County Historical Society

Mr. Doray thanked Council for its diligence and assured everyone that the Historical Society respected Mrs. Andrews' problem.

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Lodge McKee, 53 Broad Avenue South

Mr. McKee, who is also on the Historical Society Board of Directors, told Council that the Society had welcomed the opportunity to agree to appropriate uses of the property, giving the City the opportunity to limit and control events at the site. Mr. McKee pointed out that although Palm Cottage wants to be a good neighbor, it is difficult to create a focus for this historical resource if fund raising events are held at some remote location.

With respect to the use issues, said Mr. McKee, there is a gravel area to the north of the Palm Cottage kitchen which will accommodate four automobiles. There would be no problem isolating that area to prevent turning around and to require caterers to park in that area. Mr. McKee assured Council that Palm Cottage regulations required a 10:00 p.m. closure, and the Historical Society intends to maintain curfews. He said further that the Board of Directors does agree there is a parking problem and welcomes the City's help.

The question of whether or not it was legal to serve alcoholic beverages at Palm Cottage was discussed. City Attorney Chiaro confirmed that the only restrictions in the City's Code concerning alcoholic beverages are specific prohibitions in specific locations.

NOTE: This resolution will be considered at the time of second reading of the ordinance pertaining to Palm Cottage.

RESOLUTION NO. 93-7044

ITEM 6

A RESOLUTION APPROVING A REPLAT OF PHASE ONE OF THE SOUTHPOINTE YACHT CLUB, AMENDING THE LOCATION OF THE PREVIOUSLY APPROVED INGRESS AND EGRESS EASEMENT; DIRECTING THE CITY CLERK TO RECORD THE REPLAT IN THE PUBLIC RECORDS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Public Input: None.

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

(4-0)

M=Motion S=Second

Y=Yes N=No A=Absent

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

RESOLUTION NO. 93-7045

ITEM 7

A RESOLUTION APPROVING EASEMENT VACATION PETITION 93-EV3, VACATING A TEN (10) FOOT WIDE DRAINAGE EASEMENT THAT BISECTS THE PROPERTY AT 1590 GALLEON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Planner Ann Walker reported that both the PAB (Planning Advisory Board) and City staff recommended approval of the easement vacation, subject to acceptance by the City of equivalent infrastructure in an equivalent easement elsewhere on the subject property.

Public Input: None.

MOTION: To **APPROVE** the resolution, with the condition that the property owner work with staff in the development of a French drain system in combination with the stormwater pipe.

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

BREAK: 10:25 a.m. - 10:35 a.m.

ORDINANCE NO. 93-

ITEM 8-a

AN ORDINANCE GOVERNING THE PROCEDURES AND STANDARDS FOR THE REGULATION OF CABLE TELEVISION RATES PURSUANT TO THE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION AND THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff stated that Mr. Fuchs of Colony Cable Vision had requested ordinance 8-a and 8-b continued to the next regular meeting. In response to Council Members' discussion, City Attorney Chiaro stated that the rates in (Item 8-a) must be established and in place by November 15, 1993. Dr. Woodruff asked that Assistant City Manager Rambosk check immediately with Mr. Herbst's office for verification on this issue and requested that Council proceed with Item 9 until further information was received.

ORDINANCE NO. 93-

ITEM 9

AN ORDINANCE AMENDING SUBSECTION 8-9-5 AND SUBSECTION 11-1-8 OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES, FLORIDA, TO AMEND THE REGULATIONS FOR COLLECTION OF SOLID WASTE WITHIN THE CITY OF NAPLES AND TO AMEND THE FEES CHARGED FOR THE COLLECTION OF SOLID WASTE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

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Dr. Woodruff explained that this Public Hearing was intended to consider an amendment of the Comprehensive Development Code, revising regulations and fees with reference to the collection of Solid Waste.

Community Services Director Thornton presented a revised copy of the ordinance. He stated that changes made to the ordinance were highlighted throughout the document. Mr. Thornton explained that the amendments would allow the City to respond to requests for special service on a case by case situation. He noted the tipping fees as recorded on page 7, 8, and 9 of the ordinance. Some discussion among the Council Members followed concerning this subject.

Council Member Korest stated that if noting the tipping fees in this manner (by ordinance) implied that they could only be changed by ordinance, it would be more effective to set them by resolution. Dr. Woodruff informed Council that a change could be made so that the ordinance set the rates by resolution and thus the rates become the resolution. He recommended that Council ask City Attorney Chiaro how to structure this process.

City Attorney Chiaro stated that this ordinance as written, sets the tipping rates if approved on first reading at this meeting. However, she explained that if Council wished to set the rates by resolution, substantially changing the parameters of the ordinance, they would need to go back to first reading. She informed Council that at this meeting these rates could be approved to be set by resolution by recommending that when the ordinance comes back, it will be second reading and it should be accompanied by a resolution setting the rates. Ms. Chiaro further explained that this would require that the specific rates set forth in this ordinance, as it appears today, be removed. The ordinance would return on second reading without these dollar amounts and accompanied by a resolution containing the dollar amounts indicating the tipping fee rates.

MOTION: To **APPROVE** the Ordinance on first reading with direction to staff that upon return on second reading, this ordinance should be accompanied by a resolution that includes the specific tipping fee rates (dollar amounts) set forth on pages 7, 8, and 9 of this ordinance.

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

(6-0)

M=Motion S=Second

Y=Yes N=No A=Absent

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Public Input: None

Dr. Woodruff explained that the resolution could be written to include that the tipping fee rate "shall be the rate as established by the County Commission". In response to Council Member Herms inquiry concerning the \$33.00 amount included in the set rate amounts, Dr. Woodruff explained that the City calculated the number of tons an average household generated per year. Following some consideration and discussion of this matter, Mr. Korest asked that the original motion stand without amendment.

At this time Assistant City Manager Rambosk returned to the meeting and discussion on Items 8-a and 8-b resumed.

ORDINANCE NO. 93-

ITEM 8-b

AN ORDINANCE ESTABLISHING REGULATIONS AND PROVIDING PROCEDURES FOR THE ISSUANCE OF FRANCHISES TO CONSTRUCT, INSTALL AND OPERATE LINES, WIRES, POLES, COAXIAL CABLE, FIBER OPTICS CABLE, TRANSMITTERS, RECEIVERS AND APPURTENANCES FOR ORIGINATING, RECEIVING, DISTRIBUTING AND SUPPLYING RADIO, TELEVISION, TELEPHONE, VOICE, DATA AND/OR OTHER COMMUNICATIONS SERVICES ALONG, ACROSS AND UPON THE PUBLIC STREETS, PUBLIC UTILITY EASEMENTS, WAYS, ALLEYS AND PLACES WITHIN THE CITY OF NAPLES, FLORIDA; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Following the discussion with Mr. Fuchs, Assistant Manager Rambosk stated that the Master Franchise Ordinance did not have a critical date attached. The rate ordinance, he explained, even five days ago, would have required a critical date of November 15, 1993. However, he reported that the FCC is currently reviewing an extension of that rate freeze that could allow as much as one year or until January 1, 1994.

Dr. Woodruff noted that since the FCC's extension would be accepted on good faith terms, his recommendation would be to continue this item until the next City Council meeting or if the continuance from the FCC is not issued, to continue this issue at a special Council Meeting prior to November 15, 1993. City Attorney Chiaro stated that it was wise to be aware that at this point the City was relying on the likelihood that the date would be extended. However, if it is not extended,

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this ordinance must be passed on second reading before November 15, 1993.

Public Input: None

MOTION: To **CONTINUE** Item 8-a and 8-b until the November 17, 1993 Council Meeting with the stipulation that if the FCC extension of the rate freeze is not granted, the continuance will be to a special meeting prior to November 15, 1993.

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

ORDINANCE NO. 93-7046

ITEM 10

AN ORDINANCE AMENDING SECTIONS 18-73(b) and (d), 18-74, 18-75(a) (b) and (e)(2), AND DELETING SECTION 18-75(c) OF THE CODE OF ORDINANCES, CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title and Ordinance read by City Attorney Chiaro.

Dr. Woodruff noted that prior to this meeting Council had requested verification that the Union contract contained language indicating that the reduction from 6% to 3% does occur. Likewise, the language would show that if the 3% number was no longer sufficient, that the Union members (employees) would pay the additional percentages up to and including the 6% thus, relieving the

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responsibility of the City. Dr. Woodruff verified the existence of this language. He added that the union contract language also indicates that any increase beyond 6% would be born equally on the part of the employee and the City (50/50) .

Public Input: None

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

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

ORDINANCE NO. 93-7047

ITEM 11

AN ORDINANCE AMENDING SUBSECTION 8-9-11 AND ADDING SUBSECTION 11-1-9 TO THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES, FLORIDA, REVISING REGULATIONS REGARDING ENFORCEMENT AND FEES CHARGED FOR VIOLATIONS OF EXCESSIVE GROWTH OF GRASSES AND WEEDS ON LOTS (UNOCCUPIED AS WELL AS OCCUPIED) WITHIN THE CITY; PROVIDING A SEVERABILITY CLAUSE; A REPEALER PROVISION AND AN EFFECTIVE DATE.

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Title and Ordinance read by City Attorney Chiaro.

Attorney Chiaro recommended the addition of language to Section 1, page 2, following section "A-C", the addition would be noted as section "D". She indicated that the language to be inserted should read as follows: "failure to notify the lot owner shall not relieve the lot owner of this responsibility".

Public Input: None

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

MOTION: To **ADOPT** the ordinance at second reading with the addition of Section "D" as indicated above.

ORDINANCE NO. 93-

ITEM 12

AN ORDINANCE AMENDING SUBSECTION 2(b) OF SECTION 13.3 OF PART A, ARTICLE 13 (NOMINATIONS AND ELECTIONS) OF THE CHARTER OF THE CITY OF NAPLES, FLORIDA ADJUSTING THE LANGUAGE OF THE DESIGNATED MEMBERS OF THE CANVASSING BOARD OF THE CITY OF NAPLES TO PROVIDE FOR THE "SUPERVISOR OF ELECTIONS" TO BE TITLED AS THE "CHIEF ELECTION OFFICIAL" OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN

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EFFECTIVE DATE.

Title and read by City Attorney Chiaro.

City Attorney Chiaro noted that she had provided for Council an alternate ordinance for Item 12 which adds language requested by the City Clerk. This language allows Council to appoint a member of Council to sit on the Canvassing Board in situations when the City Clerk is also the Chief Elections Official.

In response to Council Member Pennington's inquiry if it would be appropriate to have another City official, other than a member of Council sit on this Board, Ms. Chiaro stated that the Council may designate anyone of their choosing to sit on this Board. She added also that they were not required to make any additional appointment.

Following further discussion, it was the consensus of Council to add flexibility with a language amendment to page 2, section 2 as follows: "...the City Council may appoint a ~~Council~~ person who..."

Public Input: None

MOTION: To **ADOPT** the ordinance at second reading with the addition of a language amendment to page 2, Section 2 of the ordinance.

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

ITEM 18

HIRING OF CONSULTANT - WALTER KULASH

Dr. Woodruff explained that in response to Andres Duany's recommendations for the creation of a roundabout at the intersection of U.S. 41 and 5th Avenue South, it was suggested that the City consult with Walter Kulash, an engineer who specializes in roundabouts. Dr. Woodruff announced that Mr. Kulash is available to present and meet with the City on November 22 and 23, 1993. Dr. Woodruff requested authorization to hire Mr. Kulash at a fee of \$750.00 per day for two days only.

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MOTION: To **APPROVE** the hiring of consultant Walter Kulash for two days (November 22 and 23, 1993) at \$750.00 per day.

Public Input: None

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

ITEM 19

CONTRACT WITH THE SUPERVISOR OF ELECTIONS/MARY MORGAN

Dr. Woodruff pointed out that the contract with the Supervisor of Elections included a standard fee, noted in paragraph 33, concerning the deposit of \$50.00 per voting unit (120 units = \$6,000.00). He added that the deposit covers any replacement parts, labor, and shipping necessary to repair any damages to the County's voting unit or equipment leased to the City.

In response to Mr. Herms' inquiry as to whether the fee was refundable, Dr. Woodruff stated that according to paragraph 33 in the contract "Any excess balance between the Supervisor's actual City election costs and the amount of the deposit shall be returned to the City." Dr. Woodruff further noted that the bill from the October 5, 1993, election was \$24,000.00 and that he anticipated the February election to be substantially less.

Dr. Woodruff explained that Fiddlar and Chambers, a firm hired by the City and previously approved by Council, will do the actual physical tabulating involved in the election process. The equipment will be used by Fiddler and Chambers at the location designated by Mary Morgan, Supervisor of Elections, according to requirements referred to as a "chain of custody", Dr. Woodruff said.

MOTION: To **APPROVE** the contract as written with Supervisor of Elections, Mary Morgan.

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

ITEM 20

**AUTHORIZATION/CONSULTANT SERVICES - BUILDING
DEPARTMENT (TO REVIEW PERMITS ISSUED FOR THE ENCLAVE
CONDOMINIUM)**

Dr. Woodruff stated that inquiries concerning work done at the Enclave and other related complaints prompted this request to hire an outside consultant. This consultant would be hired to objectively and professionally call the City's actions, give an opinion and rule on whether or not the City was using the proper code and interpreting it correctly. Dr. Woodruff stressed the urgency to move forward with this authorization. He added that City staff had given honest answers in these problem situations, however, he recognized that the City needed to go the extra step and critique the actions of the staff and inform them if their actions were correct. Dr. Woodruff further noted that staff was not looking for someone to validate their decisions, however, staff wanted to insure that any information given is correct. Dr. Woodruff stated that he and Assistant City Manager Rambosk did not have the technical expertise to critique such situations. He added that it was very important that the City proceed with the reorganization of this building process. Dr. Woodruff stated here, for the record, that even though the issues dealing with the Enclave have surfaced since the Building Official left, they are issues that go back well into 1992, they are not due to the department's lack of a building official at this time. He added that the position of Building Official had been advertised and the person hired would be a part of the reorganization of the Building Department.

MOTION: To **APPROVE** authorization for Consultant Services for the Building Department.

Council Member Korest commented that in his review of the memo, it appeared that the principal focus is on the Enclave. He recommended implicitly that staff recognize that there are broader issues to be examined relating to the overall permitting process.

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

Council Member Hermes stated that it was imperative that the person hired be able to review these issues from an architect as well as an engineer's perspective. Dr. Woodruff noted that subject to complete installation of a new computer program, staff will be able to retrieve all outstanding

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permits including any permits active on a construction site, allowing more efficiency and accuracy in the granting of permits.

CORRESPONDENCE AND COMMUNICATION

Earlier in the meeting, during the discussion on Item 19, the question as to whether or not Mary Morgan, Supervisor of Elections, billed for her time and her staff's time when working on a City election was raised. Dr. Woodruff noted that information he just received from Ms. Morgan indicated that she did not bill for her own time and did not make a profit from her staff's time on these elections.

ADJOURN: 12:06 p.m.

PAUL W. MUENZER, MAYOR

Janet Cason
City Clerk

Marilyn McCord
Deputy City Clerk

Katie Gibson-Jones
Recording Secretary

These minutes of the Naples City Council were approved on November 17, 1993.

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November 3, 1993
Convened 9:00 a.m. / Adjourned 12:06 p.m.

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