



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - December 15, 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
John Cole, Chief Planner
Paul Reble, Police Chief
Ann Walker, Planner II
Nancy Merriman, Administrative Assistant
Ralph Cox, Crime Prevention Sergeant
Susan Golden, Planner I
George Henderson, Sergeant-At-Arms
Marilyn McCord, Deputy City Clerk

Norman de la Chapelle
Fred Tarrant
Charles Andrews
Marjorie Jones
Marjorie Prohlman
Michele Buonocore
George Buonocore
Andrea Casement
Joanne Harriss
Eric Staats, Naples Daily News
Other interested citizens and visitors

ITEM 1

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Arthur Holt/Unity Church of Naples

ITEM 3

ITEMS TO BE ADDED

City Manager Woodruff requested that the following item be added to the agenda: Appoint an ad hoc committee for the purpose of reviewing cable television issues. It was also requested that Items 7 and 8 be continued to January 5, 1994, and that Item 10 be continued to January 19, 1994.

ITEM 7

**APPROVAL OF FEASIBILITY STUDY REGARDING RAW WATER SALE
BY HARTMAN & ASSOCIATES.**

(CONTINUE TO JANUARY 5, 1994)

ITEM 8

AUTHORIZATION TO ENTER INTO CONTRACTS

8-a Southern States Utilities

8-b Florida Cities Water Company

(CONTINUE TO JANUARY 5, 1994)

ORDINANCE NO. 93-

ITEM 10

AN ORDINANCE ANNEXING AN 11.5 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF NORTH ROAD AND EAST OF THE NAPLES MUNICIPAL AIRPORT TERMINAL ENTRANCE, MORE PARTICULARLY DESCRIBED HEREIN; AMENDING SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES, FLORIDA, RELATING TO THE BOUNDARIES OF THE CITY TO PROVIDE FOR THE ANNEXATION OF THIS SITE; AND PROVIDING AN EFFECTIVE DATE.

(CONTINUED TO JANUARY 19, 1994)

MOTION: To **AMEND** the agenda as follows: Add Item 20, continue Items 7 and 8 to January 5, 1994, and continue Item 10 to January 19, 1994.

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

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

ITEM 14

APPROVAL OF MINUTES

| | |
|-------------------------------|-------------------|
| City Council Special Meeting | November 1, 1993 |
| City Council Workshop Meeting | November 1, 1993 |
| City Council Workshop Meeting | November 16, 1993 |
| City Council Regular Meeting | November 17, 1993 |
| City Council Special Meeting | November 23, 1993 |

ITEM 15

CONSIDERATION OF A PROPOSAL FROM BARR, DUNLOP & ASSOCIATES TO CONDUCT AN ORIGIN AND DESTINATION STUDY TO DETERMINE THE CHARACTERISTICS OF TRIPS TAKEN IN THE AREA OF U.S. 41 AND THE DOWNTOWN AREA. COST OF RECOMMENDED STUDY: \$3,200.00

RESOLUTION NO. 93-7083

ITEM 16

A RESOLUTION AMENDING THE COMPENSATION AND BENEFIT PLAN FOR NON-BARGAINING UNIT EMPLOYEES AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 93-7084

ITEM 17

A RESOLUTION ACCEPTING A GRANT OF EASEMENT FROM DENNIS J. LYNCH, TRUSTEE, FOR THE WESTERLY TEN (10) FEET OF LOTS 12, 13, AND 14, NORTH NAPLES ESTATES; AND PROVIDING AN EFFECTIVE DATE.

ITEM 18

APPROVAL OF THE ISSUANCE OF A PERMIT TO REPAIR AN EXISTING SHORE PROTECTION STRUCTURE ON PROPERTY LOCATED AT 50 SIXTH AVENUE NORTH.

ITEM 19

APPROVAL OF MITIGATION SITE FOR SCRUB VEGETATION CURRENTLY EXISTING ON COASTLAND MALL PROPERTY.

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MOTION: To **APPROVE** the Consent Agenda, consisting of Items 14 through 19.

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

NOTE: Council Member Hermes arrived at approximately 9:10 a.m.

ITEM 4

ANNOUNCEMENTS

4-a Mayor Muenzer

Mayor Muenzer acknowledged Police Department employees Nancy Merriman, Ralph Cox, Joe Whitehead, and private contributors who made it possible for four City and 21 County children to attend "Mickey's Worldwide Kids Party" in Disneyworld. A list of contributors is included as Attachment #1. The Mayor presented each with a plaque and expressed his pride that the City could be the catalyst for such a worthy cause.

4-b City Manager

City Manager Woodruff announced the schedule for upcoming City Council and Community Redevelopment Agency/Redevelopment Advisory Board meetings.

ORDINANCE NO. 93-7085

ITEM 5

AN ORDINANCE AMENDING SECTION 7-5, "SPECIAL OVERLAY DISTRICTS," OF THE COMPREHENSIVE DEVELOPMENT CODE BY ADDING THERETO A NEW SUBSECTION 7-5-6, "THIRD STREET COMMERCIAL AREA SPECIAL OVERLAY DISTRICT" TO ESTABLISH SPECIFIC REGULATIONS FOR SIGNAGE AND VENDING CARTS WITHIN THE DISTRICT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff reported that language in the ordinance had been amended to allow for review of this matter. It will be set for review in May, 1994.

Public Input:

George Buonocore, 155 Carica Road

Mr. Buonocore, owner of The Paper Merchant stores on Third Street and in Venetian Village, told Council that the better shopping centers do not allow carts and that they do not provide ambiance. There is a problem in the Third Street area with vacant stores, he said, and carts will be operated by those merchants with a bigger investment, taking business away from the smaller stores such as his. Mr. Buonocore referred to the fact that the Third Street Merchants Association does not represent all of the merchants on Third Street.

Marjorie H. Jones, 205 11th Avenue South

Mrs. Jones reminded Council that at first reading of this ordinance, the Merchants Association was advised to attend the Old Naples Association meeting. She said that the Old Naples Association Board of Directors was against this overlay unanimously. Mrs. Jones continued, "With Third Street in the middle of the Old Naples area, I believe we should be notified ahead of time. No one has asked our opinion. I think it's a mistake to have carts there."

Joanne Harriss, 556 12th Avenue South

Ms. Harriss told Council that it was rare to have carts in an upscale neighborhood. Ms. Harriss reported that she had polled some of the customers who patronize the expensive shops on Third Street and most of their remarks about the proposed carts had been negative. This type of operation

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does not mix well with upscale shopping, commented Ms. Harriss. She quoted Scott Fitzgerald: "The rich are different" and agreed that was true. Ms. Harriss also commented on the Third Street signage which intrudes on the public right-of-way, noting that it creates some difficulty for pedestrians. On the positive side, said Ms. Harriss, the proposed signage and carts will be allowed on a trial basis.

Fred Tarrant, 175 Third Street South

Mr. Tarrant, speaking for the Old Naples Association, stated that in his opinion the City is doing many things at an accelerated pace, including a massive redevelopment program. To add the proposed Third Street changes at this time adds another element, said Mr. Tarrant, and might be better postponed until Andres Duany and others present the entire redevelopment plan.

Norman F. de la Chapelle, 1300 Third Street South

Mr. de la Chapelle told Council that he and Andrea Clark Brown, A.I.A., had met with the Old Naples Association to review this matter. He stated, "We can stand on our record. We don't do foolish things. We occasionally make a mistake but we correct it fast."

Mr. de la Chapelle answered Council's questions pertaining to the cart locations, products to be sold, etc. He reported that over 80% of the Third Street merchants belong to the Merchants Association, and that the Association Board of Directors represents no particular vested interest in the area.

City Attorney Chiaro assured Council that this ordinance can be reviewed at any time before May, 1994.

Michele Buonocore, 155 Carica Road

Mrs. Buonocore, who owns The Paper Merchant with her husband George, stressed that this is a very important issue. She expressed her disappointment in the direction Third Street appears to be going. Mrs. Buonocore said that she and her husband consider themselves to be knowledgeable about merchandising in Naples, and that she did not believe Waterside was a threat to Third Street. Mrs. Buonocore went on to say that the fact that Third Street is in the historic district of Collier County should be emphasized. She suggested that perhaps the Third Street landlords could work on a better rental system, since so many stores are already empty.

Andrea Casement, 1199 Third Street South

Ms. Casement, who is a member of the Third Street Area Task Force, reminded Council that this ordinance was requested in the first place as an attempt at revitalizing the area. She said that systems are in place to insure that the Third Street Merchants Association works extensively to control what takes place in the area. Ms. Casement concluded, "We realize the ordinance isn't set in stone. If we learn in a year or two or sooner that this system isn't working, the ordinance can be changed, but will this allow Third Street to work as a group together? Keep what happened on Fifth Avenue from happening on Third Street. We assure you we will keep the area viable and as upscale

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as we need to. We have an absolute vested interest in the area."

Council Member Pennington requested that the Third Street Merchants Association be prepared, when this issue returns to Council for review, to provide some quantifiable data pertaining to the carts and the signage.

Council Member Korest pointed out that Council has been very supportive of the merchants and had in fact contributed to Third Street improvements. He stated, "I'm most encouraged that we are willing to move ahead and give people who want to help themselves an opportunity to do that." Mr. Korest followed his comments with a motion to adopt the ordinance.

MOTION: To **ADOPT** the ordinance at second reading, with Council review in May, 1994. The ordinance language will be amended to allow a maximum of five carts.

Council Member Anderson said that an evaluation of the signage and carts should be the responsibility of staff and not of the merchants. She asked Mr. de la Chapelle to consider removing the banners in the future.

Chief Planner Cole assured Council that staff would work closely with the Merchants Association in permitting the carts.

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

BREAK: 10:25 a.m. - 10:30 a.m.

ORDINANCE NO. 93-

ITEM 6

AN ORDINANCE APPROVING REZONE PETITION 93-R9, REZONING PROPERTY KNOWN AS BEAR'S PAW, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R3-6", MULTIFAMILY RESIDENTIAL, AND "PS", PUBLIC SERVICE TO "PD", PLANNED DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

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Planner Ann Walker reviewed the item, noting that the Planning Advisory Board (PAB) had recommended approval.

Public Input: None.

In response to Council Member Herms, Planner Walker described the City and County zoning districts as they apply to Bear's Paw. Creation of PD (Planned Development) zoning was mutually agreed upon between the City and Bear's Paw.

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

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

RESOLUTION NO. 93-7086

ITEM 13

A RESOLUTION GRANTING CONDITIONAL USE PETITION 93-CU21, TO CONTINUE THE EXISTING BUSINESS AND FOR THE EXPANSION OF THE BUSINESS AT 965-985 5TH AVENUE NORTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Public Input: None.

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

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

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ORDINANCE NO. 93-

ITEM 11

AN ORDINANCE AMENDING SUBSECTIONS 3-22-1, 3-22-2(A), 3-22-3(A), 3-22-3(D)(6)(a), (b) AND (c) OF THE COMPREHENSIVE DEVELOPMENT CODE BY ADDING PARAGRAPH (6) TO SUBSECTION 3-22-3(E); AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

The City Attorney informed Council that this ordinance would amend those sections of the City Code relating to the functions of the Code Enforcement Board. She reviewed the changes that will result, including the ability to foreclose on liens after three months and the ability to increase daily fines from \$250.00 to \$500.00. The Code Enforcement Board recommended unanimously to approve the changes. This ordinance will give the City all of the rights and privileges allowed by the State.

Council discussed the existing ordinance which pertains to all City boards. City Attorney Chiaro suggested that at second reading of this item, the general ordinance be reviewed by Council.

Public Input:

Marjorie Prohlman

526 Gulf Shore Boulevard South

Mrs. Prohlman, who is Vice Chairman of the Code Enforcement Board, recommended that Council adopt this ordinance in order to strengthen the Board's powers, as allowed by Florida statutes.

Council Member Herms requested that staff research the issue of setting maximum fines for Code violations.

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

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

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

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ORDINANCE NO. 93-

ITEM 12

AN ORDINANCE AMENDING SECTION 7-68 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, IN ORDER TO COMPLY WITH APPLICABLE STATE LAW; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Public Input: None.

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

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

RESOLUTION NO. 93-7087

ITEM 9

A RESOLUTION APPROVING A FIVE-YEAR COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS), AS REQUIRED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING AN EFFECTIVE DATE.

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Title read by City Attorney Chiaro.

City Manager Woodruff explained that the Comprehensive Housing Affordability Strategy (CHAS) must be approved annually, as part of the five year plan.

Public Input: None.

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

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

(7-0)

M=Motion S=Second

Y=Yes N=No A=Absent

Dr. Woodruff clarified that this issue had nothing to do with the City/County interlocal agreement on affordable housing.

RESOLUTION NO. 93-7088

ITEM 20

A RESOLUTION APPOINTING MEMBERS TO THE AD HOC ADVISORY COMMITTEE FOR EVALUATION OF FRANCHISE/CABLE TELEVISION ISSUES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Public Input: None.

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MOTION: To appoint the following to the Ad Hoc Advisory Committee for evaluation of franchise/cable television issues: Ruth V. Bennett; Glenn W. Bergland; George C. Kunze, Jr.; Terrence J. Miller; Garfield Ricketts; Robert A. Shiff.

| | | |
|------------|---|---|
| Anderson | M | Y |
| Hermes | | Y |
| Korest | | 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

None.

CORRESPONDENCE AND COMMUNICATIONS

Sound tests performed by engineers have been finished on the Thomas property. This will be scheduled for Workshop discussion. At the request of Council Member Hermes, a Workshop item will be scheduled to discuss residents placing certain obstructions such as statuary and rocks in the public right-of-way.

City employees visited the Council Chambers and sang "We Wish You A Merry Christmas" to Council. Dr. Woodruff thanked Council for all they had helped with during the year and extended staff's wishes for a wonderful holiday season.

ADJOURN: 11:15 a.m.

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City of Naples

Janet Cason
City Clerk

PAUL V

Index

City Council Regular Meeting

December 15, 1993

Convened 9:00 a.m. / Adjourned 11:15 a.m..

Marilyn McCord
Deputy City Clerk

These minutes of the Naples City Council were approved on January 5, 1994.

| | |
|--|----|
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