



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Workshop Meeting - Monday, January 23, 1995 - 9:00 a.m.

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 1

Present:

Paul W. Muenzer, Mayor
Alan R. Korest, Vice Mayor

Council Members:

Ronald M. Pennington
Fred L. Sullivan
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Missy McKim, Community Redevelopment
Director
Bill Overstreet, Building Official
Bill Harrison, Finance Director
Susan Golden, Planner II
Flinn Fagg, Planner I
Anne Middleton, Finance Analyst
Mark Thornton, Community Service
Director
Dan Mercer, Utilities Director
Jon Staiger, Ph.D., Natural Resources
Manager
George Henderson, Sergeant-At-Arms

Marilyn McCord, Deputy City Clerk

Werner W. Haardt
Herb Anderson
Bob Crawford
Nick Long
Other interested citizens & visitors

Media:

Amy Chadroff, WNOG
Eric Staats, Naples Daily News

ITEMS TO BE ADDED

No items were added to the agenda.

ITEM 2

ITEM 7

NATIONAL ELECTRIC CODE/JASMINE CAY PROJECT REVIEW

Building Official Bill Overstreet gave a presentation on conduit wiring. Council had requested the item because the developer of Jasmine Cay had asked permission to use ROMEX wiring instead of conduit wiring.

City Manager Woodruff commented that the City had adopted the Code change to require conduit wiring two years ago at the request of some of the local multi-family contractors. This wiring was nicknamed "Smurf" because of being blue in color, therefore resembling the Smurf cartoon character, said Dr. Woodruff. It costs about seven cents more per foot, but saves on labor costs.

Mayor Muenzer commented that this was changed to guarantee quality of life, safety and welfare. He gave as an example the fire that happened at Christmas time when a house burned because ROMEX wiring had been used. When installing a ceiling fan the wiring had been nicked, ultimately causing a fire.

Dr. Woodruff commented that the concern was not so much as when buildings are built, but rather, when units are occupied; homeowners hanging pictures and concern for the nails driven into the walls.

Vice Mayor Korest then related that his son, an electrical contractor in the San Francisco area, mentioned to him that conduit was not required for multi-family units there. His son stated that the only thing that would really eliminate a fire hazard would be metallic conduit. Comment was made that perhaps the City should check with NFPA (National Fire Protection Agency) to obtain their opinion on what wiring was the best to use.

Council Member Tarrant asked what Collier County's thoughts were regarding wiring and Mr. Overstreet stated that contractors were divided on this issue. However, ROMEX was still permissible in Collier County, for structures up to three stories. Information will be obtained from Collier County, Fort Myers, and Sarasota and presented in a Workshop in two weeks.

ITEM 3

DISCUSSION OF INVESTMENT ADVISOR

Finance Director Bill Harrison gave a presentation using transparencies to bring everyone up-to-date on the City's investments. Recently Orange County in California filed for bankruptcy, he

stated, so it was important to keep in mind when investing taxpayers' money the three rules: 1.) Safety; 2.) Liquidity, and; 3.) Yield, in that order. The City needed to make the money work as hard as the employees did, he stated, but doing so in as safe a way as possible. Mr. Harrison then explained credit risk, which the City was not concerned with. But, he commented, market risk was a concern. A speculative pool was discussed and explained, which Orange County had been involved in. Also discussed were derivatives and mortgage backed securities. Mr. Harrison said, "With the financial market, you make the best decisions you can at whatever point in the market you're at." No one had a crystal ball, he commented, so making your best guess was all a person/business could do; no one was able to predict what happened financially in 1994. People who perhaps could foresee what was coming would have accepted the poor rates on cash for a year, but would not expose their portfolio to any unrealized loss. Mr. Harrison commented that the City of Naples cut back dramatically on weighted average maturities to protect the City's portfolio.

Dr. Woodruff then pointed out to Council Members that the problems Orange County experienced could not happen in Naples and what, if any, safeguards they would like to see taken in the future. Some discussion occurred on whether the City should hire a financial advisor, since Mr. Harrison expressed concern on being responsible for making all the investment decisions. But, Mr. Harrison commented, if the City decided to hire a financial advisor, the City would remain in ultimate control on all money investments. Therefore, after further discussion, the Finance Director made a recommendation to select a committee to include Council Member Sullivan, Finance Director Bill Harrison and Charles White of Compass Bank, Birmingham, Alabama. Mr. White works for the City's safekeeping bank and would be in contact with people in the markets but would not be giving investment advice. His company serves as a custodian and the upstream correspondent for First National Bank of Naples, which is the City's depository bank, Mr. Harrison stated. Mr. White would serve on the committee at no charge with the exception of his expenses. All were in agreement to do further research into hiring an investment advisor.

ITEM 4

BEACH FRONT PROPERTIES - DISCUSSION OF SCOPE OF WORK PROGRAM

Community Development Director Missy McKim reviewed the scope of work staff was recommending in order to do a thorough study of the beach front property issue.

The first step, said Planner Flinn Fagg, would be the initial staff preparation, including a review of the existing Comprehensive Plan language in regard to:

- . coastal high hazard area
- . existing zoning in the beach front area
- . FEMA regulations
- . Coast Construction Control Line

Public input would involve meetings with the Gulf Shore Property Owners' Association and the Old Naples Association to determine residents' opinions in regard to density and subdivision of properties along the Gulf. Council Member Van Arsdale pointed out that it was important to include all property owners in the beach block. He also suggested running the public input meetings as charettes, with visual examples and clearly defined characteristics for each neighborhood. Staff will send meeting notices to property owners in the first two blocks off the beach. Mr. Fagg noted the importance of holding meetings with local architects and developers after the public input sessions. Architectural and design standards would then be developed, based upon that public and professional input. The effect of FEMA (Federal Emergency Management Agency) regulations on new construction and the preservation of existing character will be included in the design guidelines. Zoning requirements should be developed to minimize the effect of new construction.

Mr. Flinn reported that it was important to review Coastal Construction Control Line regulations and to determine whether more stringent standards were needed and to process a text amendment to the Comprehensive Development Code if changes were needed. Comprehensive Plan language should be defined regarding development and redevelopment in the high hazard area to serve as a specific guide for the Code of Ordinances.

Finally, staff would be reviewing zoning districts to:

- . determine minimum lot sizes that adequately reflect the intention of the Comprehensive Plan and create new zoning standards/districts if necessary.
- . codify development standards and design guidelines applicable to beach front zoning districts
- . revise spatial perception guidelines in light of FEMA requirements

Staff assessment will begin this month, with public input during February. Any changes may be made after the Comprehensive Plan amendments are approved by the Department of Community Affairs and adopted at second reading by Council. Any rezone requests pending determination can be held in abeyance.

Council voiced its support of staff's scope of work. Ms. McKim assured Council that staff would be looking at regulatory fine points. Staff will come back to Council with a proposed course of action and a time frame. By the end of June or beginning of July the public input sessions would be finished. City Attorney Chiaro cautioned that because changes were being considered that would affect the use of property, Council can limit, restrict, or hold up a request based on the fact that changes were being made, but not for an unreasonable length of time.

Council Member Pennington suggested doing a reassessment of this issue at the end of March.

ITEM 5

PROPOSED CHANGES TO TEXT AND PROCESS FOR VARIANCES

Community Development Director McKim reported that the PAB had expressed concern about two major issues, the process itself and the standards for approving variances. Council was at times placed in a difficult position, said Ms. McKim, because staff must recommend denial based on City guidelines even in situations where a variance may be in the best interest. The PAB was also often constricted by City standards when considering variances.

Backup material (available in the file for this meeting, in the City Clerk's Office) summarized City variance activity through 1989 and a list of times when staff, the PAB and Council have consistently agreed on approval or denial and those situations where there was not consistent agreement.

Planner Flinn Fagg used visual aids to review suggested changes to language in the Comprehensive Development Code pertaining to variances. He noted that the word "must" often created problems. Recommended changes were as follows:

Section 86-205. Variances.

(c)(3) Standards for approval. ~~The following conditions must be met prior to the granting of a variance:~~ **The following criteria shall be considered prior to the granting of a variance. A determination shall be made that the proposed variance is the most practical or logical solution, or results in greater aesthetic character than a literal interpretation of the zoning ordinance would otherwise produce.**

- a. The plight of the applicant ~~must be~~ **is** due to unique circumstances not created by him.
- b. Special conditions and circumstances ~~must~~ exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.
- c. Literal interpretation of the provisions of the zoning ordinance ~~must~~ **deprives** the applicant of rights commonly enjoyed by the properties in the same district.
- d. The variance shall not permit establishment or enlargement of any use or structure which is not permitted in the district in which the variance is requested.
- e. The variance ~~must be~~ **is** consistent and in harmony with the intent and purpose of the zoning ordinance.

f. The variance shall have no negative or detrimental effect on neighboring properties.

With respect to the variance process itself, Mr. Fagg pointed out that several communities in the State did not require PAB and Council approval, but relied solely on a "Zoning Board of Appeals" to hear and grant variances. He pointed out that considering those variances granted since 1989, more than 50% of the time staff, the PAB, and Council were all in concurrence. Staff recommended that the process for granting variances be changed as follows:

- That the new criteria for variances be tested for a period of six months, with petitions being heard by both the PAB and Council.
- After six months, staff will report to Council on the track record of the new criteria, and whether the new standards have produced consistent results. If the results are satisfactory, then a consideration should be made to grant authority to the PAB to approve variances.
- Council would only then be involved in the variance process when appeals are made of the PAB's decision.

Council discussed staff's recommendations. Council Member Tarrant expressed his belief that the current system was excellent and he would view any changes bringing more latitude a negative endeavor. Dr. Woodruff pointed out that the recommendation from staff was simply a modification of the present ordinance, to be considered further in six months. He mentioned that Council had directed the current management team to be very blunt with petitioners and to tell them honestly if their requests would most likely be denied.

Council Member Van Arsdale stated that it was important to procure PAB input on this matter and suggested a joint meeting of the PAB and Council.

ITEM 6

UPDATE ON CITY PIER RECONSTRUCTION

Community Services Director Mark Thornton gave an update of the funding requirements for the Pier reconstruction based on three additional bid alternatives for engineering and the additional inspection costs for the Phase III portion of the contract with Suboceanic Consultants, Inc. (Additional engineering and construction costs are itemized in the backup information for this item, available in the City Clerk's Office.) The additional expenditures involved include costs for concrete sub-structure and wood decking. Staff has applied for a grant in the amount of \$100,000.00 to assist in this project. A major portion of that grant would be assisting in the planned reconstruction as well

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as restroom renovation and landscaping of the parking lot. The County had agreed to pay \$283,000.00 toward the reconstruction costs. The preliminary estimate of total cost was approximately \$500,000.00, however a total rebuild of the Pier would cost \$766,000.00.

Robert Crawford, Suboceanic Consultants President, answered Council's questions about the condition of the Pier and the proposed reconstruction. Council Member Van Arsdale said that it was important to do a cost benefit analysis to compare the cost of rebuilding versus repairing the Pier. Council agreed that Mr. Crawford should move ahead with the additional engineering work and to keep the options open.

ADJOURN: 12:25 p.m.

PAUL W. MUENZER, MAYOR

Janet Cason
City Clerk

Marilyn A. McCord
Deputy City Clerk

These minutes of the Naples City Council were approved on March 1, 1995.



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Convened 9:00 a.m. / Adjourned 12:25 p.m.

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