



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting - May 17, 1995 - 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  
Alan R. Korest, Vice Mayor

**Council Members:**

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

**Also Present:**

Dr. Richard L. Woodruff, City Manager  
Maria J. Chiaro, City Attorney  
William Harrison, Assistant City Manager  
Mark Thornton, Comm. Services Director  
David Lykins, Rec. & Ent. Supervisor  
Philip Buck, Parks & Pkways. Supervisor  
Kevin Rambosk,  
Chief of Police/Emergency Services  
Richard Gatti, Engineering Manager  
Missy McKim, Planning Director  
Dr. Jon Staiger, Natural Res. Manager  
Flinn Fagg, Planner I  
Ralph LaCivita, Asst. Finance Director  
Robyn Coker, Accountant  
Mary Kay McShane, Human Res. Director

William Overstreet, Building Official  
Marilyn McCord, City Clerk  
George Henderson, Sergeant-at-Arms  
Jane Weeks, Administrative Assistant  
Tara Norman, Deputy City Clerk

**Media:**

Michael Cote, Naples Daily News  
Jerry Pugh, Colony Cablevision

Other interested citizens and visitors  
(See Supplemental Attendance List,  
Attachment 1)

**INVOCATION and PLEDGE OF ALLEGIANCE .....ITEM 1**

Council Member Fred L. Sullivan

**ITEMS TO BE ADDED .....ITEM 3**

A resolution appointing the City Clerk as chief election official for annexation elections and the 1996 general City Council election was added as Item 33. (See motion approving consent agenda.)

**CONSENT AGENDA**

**APPROVAL OF MINUTES.....ITEM 22**

April 4, 1995 Regular Meeting; May 1, 1995 Workshop; and May 3, 1995 Workshop.

**PURCHASE OF 3 UTILITY REFUSE VEHICLES .....ITEM 24**

Vendor: Zaun Equipment, Lake Mary, Florida / Total Price \$35,550.00 / Funding: CIP Project #95P04

**REHABILITATION OF 14 WATER SUPPLY WELLS IN GOLDEN GATE WELLFIELD .....ITEM 24**

Contractor: Aquifer Maintenance & Performance Systems, Fort Lauderdale, Florida / Total Price \$42,000.00 / Funding: CIP Project #95K11

**GANG MOWER (7 REEL) FOR MOWING PARKS AND BALL FIELDS.....ITEM 25**

Vendor: Wesco Turf, Sarasota, Florida / Price \$23,084.00 / Funding: CIP Project #95F04 and CIP Contingency (Please see further discussion of this item below.)

**UPGRADING OF "ITRON" METER READING EQUIPMENT .....ITEM 26**

Vendor: Software Installed, Tampa, Florida / Price \$16,380.00 / Funding: Salary savings, Utilities (Customer Service)

**REPLACE TRUCK-MOUNTED VACUUM STREET SWEEPER .....ITEM 27**

Vendor: Florida Municipal Equipment, Lakeland, Florida / Price \$111,985.00 / Funding: CIP Project #95V12

**AMEND BUDGET TO ALLOCATE FUNDING FOR FIFTH AVENUE SOUTH DISTRICT IMPROVEMENTS .....ITEM 28**

**APPROVAL OF GRANT OF \$19,900 TO HIGH POINT COUNTRY CLUB FOR EXTENSION OF A REUSE WATER LINE .....ITEM 29**

**RESOLUTION 95-7431.....ITEM 30**

**A RESOLUTION AUTHORIZING MARILYN A. MCCORD, CITY CLERK, TO PARTICIPATE IN THE DEFERRED COMPENSATION PLAN THROUGH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION; PROVIDING THAT SHE SHALL BE EXEMPTED FROM PARTICIPATING IN THE RETIREMENT SYSTEM OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 95-7432.....ITEM 31**  
**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO TASK ORDER NO. HMA 2-93, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH HOLE, MONTES & ASSOCIATES, INC., TO PROVIDE ADDITIONAL SERVICES REQUIRED FOR THE STATE REVOLVING FUND LOAN BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. Title not read.**

***MOTION* by Pennington to APPROVE consent agenda (Items 22-31) and ADD Item 33 (appointing City Clerk as chief election official); seconded by Sullivan and unanimously carried, all members present and voting.**

**ANNOUNCEMENTS.....ITEM 4**  
The 26th Annual Cambier Park Tennis Championships were announced. The event will take place from May 1 to 31, and will benefit Special Olympians. Firefighter/EMT Paul Massy was recognized as representative of the City team which participated in a recent "Firematics" competition. The semi-annual ceremony was held to recognize various employees for years of service. (See Attachment 1).

**RESOLUTION 95-7433.....ITEM 33**  
**A RESOLUTION APPOINTING MARILYN A. MCCORD AS THE CHIEF ELECTION OFFICIAL FOR THE MAIL BALLOT ELECTIONS RELATED TO ANNEXATIONS DURING 1995; AND FOR THE GENERAL ELECTION OF FEBRUARY 1996; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

City Manager Richard Woodruff explained that this resolution would be effective regardless of whether annexation referenda are held.

**Public Input:** None (9:22 a.m.)

***MOTION* by Pennington to APPROVE Resolution 95-7433; seconded by Van Arsdale and unanimously carried, all members present and voting.**

**.....ITEM 6**  
**CONVENING OF BOARD OF EQUALIZATION TO HEAR AND CONSIDER ANY AND ALL COMPLAINTS AS TO THE SPECIAL ASSESSMENTS WITH REFERENCE TO AVION PARK SPECIAL ASSESSMENT DISTRICT AND TO ADJUST AND EQUALIZE THE ASSESSMENTS ON A BASIS OF JUSTICE AND RIGHT.**

**Public Input:** (9:24 p.m.)  
**Everett Thayer, 1690 Avion Place**

Mr. Thayer received clarification that a valley type curb will be installed. Cost is estimated at \$9.00 per foot but if the actual bid price is lower, property owners will realize a saving; should the bid price exceed \$9.00 per foot, however, no additional charge will be assessed against property owners. In further discussion it was nevertheless noted that curb and gutter would not be installed in Mr. Thayer's street because it was not favored by a majority of property owners. Assistant City Manager Bill Harrison noted that the procedure to allow a majority of property owners on individual streets to prevail had been established in the Seagate assessment district. Mr. Harrison also informed Mr. Thayer that the City had retained Suboceanic Consultants for design services and that it is hoped that the airport property would be available for spoil disposal in conjunction with canal dredging. Mr. Thayer also questioned whether installing sewers in Avion Park would appreciably reduce the level of pollution in Naples Bay; he also asked for information about the City's wastewater treatment process and how connection fees from Avion Park would be used. City Manager Richard Woodruff indicated that while sewer installation in Avion Park would most likely make little difference in overall Bay pollution, each area going on sewers enhances the situation to a degree. Mayor Muenzer also explained that all areas on the City sewer system receive equal service and that under state mandate, advanced wastewater treatment methods are being implemented and the effluent reuse for irrigation is being expanded. City Manager Woodruff invited Mr. Thayer to tour the wastewater treatment plant.

**Public Input Closed:** (9:41 a.m.) **City Manager Woodruff noted for the record that no requests for adjustments in assessments had been received and the role of the Council as board of equalization stood as advertised.**

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**Mayor Muenzer announced that a representative of Kilpatrick Turf Equipment, a bidder on the mowers awarded under Item 25, had subsequently requested an opportunity to speak.**

***MOTION by Tarrant to REOPEN discussion of Item 25; seconded by VanArsdale and unanimously carried, all members present and voting.***

**GANG MOWER (7 REEL) FOR MOWING PARKS AND BALL FIELDS.....ITEM 25**

Vendor: Wesco Turf, Sarasota, Florida / Price \$23,084.00 / Funding: CIP Project #95F04 and CIP Contingency

Community Services Director Thornton explained that while there was little difference between the Toro equipment chosen and the Jacobson equipment offered by Kilpatrick Turf Equipment, there had been concerns about service after the sale. He said that his department was currently awaiting manuals on another piece of Jacobson equipment it had purchased.

Lonnie Baker of Kilpatrick Turf Equipment said that although there had been some delays associated with their initiating representation of the Jacobson line, he hoped that the City would allow his company another opportunity in the future to prove its ability to provide products and

service and to rectify past problems.

It is noted that because no further action was taken, the prior motion to award the bid to Weso Turf would stand.

**ORDINANCE 95-7434..... ITEM 10-a**  
**AN ORDINANCE ADOPTING SMALL SCALE COMPREHENSIVE PLAN**  
**AMENDMENT 95-CPASS5 AMENDING THE COMPREHENSIVE PLAN LAND USE**  
**ELEMENT AND COMPREHENSIVE PLAN MAP SERIES TO RECOGNIZE THE**  
**ANNEXATION OF AN APPROXIMATE 2.75 ACRE PARCEL OF LAND LOCATED AT**  
**900 GOODLETTE-FRANK ROAD, MORE PARTICULARLY DESCRIBED HEREIN;**  
**ESTABLISHING THE FUTURE LAND USE FOR THIS PROPERTY AS "HIGHWAY**  
**COMMERCIAL"; PROVIDING A SEVERABILITY CLAUSE, A REPEALER**  
**PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

**Public Input:** None (9:57 a.m.)

***MOTION by Pennington to APPROVE Ordinance 95-7434 on second reading;***  
***seconded by Sullivan and carried 6-1, all members present and voting (Tarrant***  
***dissenting).***

**ORDINANCE 95-7435..... ITEM 10-b**  
**AN ORDINANCE APPROVING REZONE PETITION 95-R7, REZONING A PARCEL OF**  
**LAND OF APPROXIMATELY 2.75 ACRES, LOCATED AT 900 GOODLETTE-FRANK**  
**ROAD, FROM "HC" HIGHWAY COMMERCIAL TO "PD" PLANNED**  
**DEVELOPMENT, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING**  
**AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

**Public Input:** None (9:58 a.m.)

***MOTION by Pennington to APPROVE Ordinance 95-7435 on second reading;***  
***seconded by Sullivan and carried 6-1, all members present and voting (Tarrant***  
***dissenting).*** (During the vote on this item Council Member Tarrant indicated that he  
felt that this rezone represented an intensification of use.)

**ORDINANCE 95-7436..... ITEM 11**  
**AN ORDINANCE RELATING TO SECTION 1.2 OF THE CHARTER OF THE CITY OF**  
**NAPLES, REDEFINING THE BOUNDARIES OF THE CITY OF NAPLES TO INCLUDE**  
**CASTLE PARTNERSHIP, A 2.75 ACRE PARCEL OF PROPERTY LOCATED AT 900**  
**GOODLETTE-FRANK ROAD; PROVIDING A SEVERABILITY CLAUSE, A REPEALER**  
**PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

**Public Input:** None (9:59 a.m.)

***MOTION by Pennington to APPROVE Ordinance 95-7436 on second reading;***

*seconded by Sullivan and carried 6-1, all members present and voting (Tarrant dissenting).*

**First Reading.....ITEM 12**  
**AN ORDINANCE AMENDING SECTION 114-132(a) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, BY ADDING A NEW SUBSECTION (11), REGULATING THE USE OF VESSELS AS RESIDENCES FOR TEN DAYS OR LONGER; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**  
Title read by City Attorney Chiaro.

It was noted that because this ordinance relates to marinas, enforcement would be directed at marinas, not individual vessels. City Manager Woodruff indicated that he would provide information to the Council on inspection procedures prior to second reading of the ordinance.

**Public Input:** None (10:10 a.m.)

***MOTION*** by Pennington to ***APPROVE*** this ordinance on first reading; seconded by Prolman and unanimously carried, all members present and voting.

**ORDINANCE 95-7437.....ITEM 14**  
**AN ORDINANCE AMENDING DIVISION 3, "R1-E RESIDENCE DISTRICT", OF CHAPTER 102, "ESTABLISHMENT OF ZONING DISTRICTS", AND SECTION 110-89, "GUEST UNITS", OF THE CODE OF ORDINANCES TO ALLOW FOR ADDITIONAL LIVING UNITS WITHIN THE R1-E ZONING DISTRICT, SUBJECT TO CERTAIN CRITERIA; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.** Title read by City Attorney Chiaro.

Council Member Prolman requested that this item be continued so that staff could address various questions she had raised with reference to the affect of these guest house provisions in other zoning districts such as R1-10.

**Public Input:** (10:12 a.m.)

**John Remington, 2490 Gordon Drive**

Mr. Remington indicated that he had no problem with continuance, noting that his discussions with staff had focused primarily in the R1-E zoning district.

**Public Input Closed:** (10:13 a.m.)

***MOTION*** by Prolman to ***CONTINUE*** to the next City Council meeting; seconded by Korest. *This motion failed, 5-2, all members present and voting (Korest and Prolman voting in favor).*

City Manager Richard Woodruff said that a workshop discussion regarding guest units in various other zoning districts would be scheduled for June 19th; he suggested that Council Members contact

the staff with questions or concerns regarding this issue so that they may be addressed.

***MOTION*** by VanArsdale to ***APPROVE*** Ordinance 95-7437 on second reading; seconded by Pennington and carried 6-1, all members present and voting (Prolman dissenting).

**ORDINANCE (Withdrawn) .....ITEM 15**  
**AN ORDINANCE ADOPTING SMALL SCALE COMPREHENSIVE PLAN**  
**AMENDMENT 95-CPASS6 AMENDING THE COMPREHENSIVE PLAN FUTURE LAND**  
**USE MAP FROM LOW-DENSITY RESIDENTIAL TO HIGHWAY COMMERCIAL FOR**  
**A PARKING LOT FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF**  
**28TH AVENUE NORTH AND 10TH STREET NORTH, MORE PARTICULARLY**  
**DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read;**  
***WITHDRAWN* at the request of staff.**

**RESOLUTION (Withdrawn) .....ITEM 16**  
**A RESOLUTION GRANTING VARIANCE PETITION 95-V6 IN ORDER TO PERMIT A**  
**GUEST UNIT WITH TWO HABITABLE STORIES AND LESS THAN 25% OF THE**  
**SQUARE FOOTAGE OF THE PRINCIPAL RESIDENCE, TO BE CONSTRUCTED ON**  
**THE PROPERTY AT 2600 GORDON DRIVE, MORE PARTICULARLY DESCRIBED**  
**HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read; *WITHDRAWN* by the**  
***petitioner's agent, John Remington.***

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**Break: 10:17 a.m. to 10:27 a.m. It is noted for the record that the same Council Members**  
**were present when the meeting reconvened.**

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**RESOLUTION 95-7438..... ITEM 7-a**  
**A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE**  
**VARIANCE TO RESTORE THE NAPLES AND PARK SHORE BEACHES BY THE**  
**ADDITION OF 1,100,000 CUBIC YARDS OF SAND ALONG 23,700 LINEAR FEET OF**  
**SHORELINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney**  
**Chiaro.**

Natural Resources Manager Jon Staiger explained that the process of introducing new sand onto the beach is the only method of beach renourishment which has been consistently successful throughout the state. In addition to renourishment, some of the wooden groins, especially south of the fishing pier, will be repaired if permitted by the state, he said, and approximately 75 feet will be added to the Doctors Pass jetty in accordance with the inlet management plan to prevent sand from the Park Shore beach renourishment from migrating into Doctors Pass. With bidding this summer, the project should be started in November, or in approximately 100 days. If this is the case, Dr. Staiger said, only one mobilization would be necessary and work would be completed prior to the sea turtle nesting season in 1996.

In further discussion Dr. Staiger clarified that a wall would be incorporated in the Doctors Pass jetty to stabilize sand. In response to Council Member Tarrant, Dr. Staiger said that beach restoration is generally not reflected in reduced insurance rates for beachfront properties until the repair has been in place for some time. Also it is unlikely that the Coastal Construction Control Line would be revised until after the restored beach had been stable for 10 to 15 years. Notices will be posted to advise the public when various beach access points are closed during the course of the project.

Council Member Tarrant expressed concern regarding the impact of the project upon taxpayers. Council Member Pennington indicated that funding would be exclusively through tourist tax revenue and that prior to financing the project, bonding companies would be thoroughly satisfied with cash flow. Mayor Muenzer, however, noted that the discussion at hand related to a coastal construction setback line variance and did not relate to financing.

**Public Input:** None (10:52 a.m.)

***MOTION by Sullivan to APPROVE Resolution 95-7438; seconded by Korest and carried 6-1, all members present and voting (Tarrant dissenting).***

**RESOLUTION 95-7439..... ITEM 7-b**  
**A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT TEMPORARY BEACH ACCESS EASEMENTS TO FACILITATE CONSTRUCTION OF THE PARK SHORE AND NAPLES SECTIONS OF THE COLLIER COUNTY BEACH RESTORATION PROJECT, SAID EASEMENTS TO INCLUDE HORIZON WAY, THIRD AVENUE SOUTH, AND EIGHTEENTH AVENUE SOUTH RIGHTS-OF-WAY, AND LOWDERMILK PARK; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

**Public Input:** None (10:54 a.m.)

***MOTION by Sullivan to APPROVE Resolution 95-7439; seconded by VanArsdale and carried 6-1, all members present and voting (Tarrant dissenting).***

**RESOLUTION 95-7440..... ITEM 21-a**  
**A RESOLUTION APPOINTING ONE TRUSTEE TO THE CITY OF NAPLES RETIREMENT SYSTEM BOARD OF TRUSTEES TO FILL THE VACANCY CREATED BY THE EXPIRATION OF TERM OF FRED L. SULLIVAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

**Public Input:** None (10:55 a.m.)

***MOTION by Pennington to APPOINT Council Member Sullivan; seconded by Korest and unanimously carried, all members present and voting.***



**RESOLUTION 95-7441.....ITEM 21-b**  
**A RESOLUTION APPOINTING ONE TRUSTEE TO THE CITY OF NAPLES**  
**RETIREMENT SYSTEM BOARD OF TRUSTEES TO FILL THE VACANCY CREATED**  
**BY THE EXPIRATION OF TERM OF G. DOUGLAS HALE; AND PROVIDING AN**  
**EFFECTIVE DATE.** Title read by City Attorney Chiaro.  
**Public Input:** None (10:56 a.m.)

***MOTION by Pennington to APPOINT G. Douglas Hale; seconded by Korest and***  
***unanimously carried, all members present and voting.***

**RESOLUTION 95-7442.....ITEM 21-c**  
**A RESOLUTION APPOINTING ONE TRUSTEE TO THE CITY OF NAPLES**  
**RETIREMENT SYSTEM BOARD OF TRUSTEES TO FILL THE VACANCY CREATED**  
**BY THE EXPIRATION OF TERM OF TARA A. NORMAN; AND PROVIDING AN**  
**EFFECTIVE DATE.** Title read by City Attorney Chiaro.  
**Public Input:** None (10:57 a.m.)

***MOTION by Pennington to APPOINT Tara Norman; seconded by Sullivan and***  
***unanimously carried, all members present and voting.***

**RESOLUTION 95-7443.....ITEM 21-d**  
**A RESOLUTION APPOINTING ONE TRUSTEE TO THE CITY OF NAPLES**  
**RETIREMENT SYSTEM BOARD OF TRUSTEES TO FILL THE VACANCY CREATED**  
**BY THE EXPIRATION OF TERM OF TERRY L. FEDELEM; AND PROVIDING AN**  
**EFFECTIVE DATE.** Title read by City Attorney Chiaro.  
**Public Input:** None (10:58 a.m.)

***MOTION by Sullivan to APPOINT Terry Fedelem; seconded by Prolman and***  
***unanimously carried, all members present and voting.***

**ORDINANCE 95-7444.....ITEM 8**  
**AN ORDINANCE ADDING A NEW SECTION 110-93 TO THE CODE OF ORDINANCES**  
**OF THE CITY OF NAPLES, RELATED TO PIER AND BOAT LIFT DIMENSIONS**  
**LOCATED IN RESIDENTIAL AREAS TO MAINTAIN AN OPEN, UNRESTRICTED**  
**CENTERLINE CHANNEL; PROVIDING A SEVERABILITY CLAUSE, A REPEALER**  
**PROVISION AND AN EFFECTIVE DATE.** Title read by City Attorney Chiaro.

Natural Resources Manager Jon Staiger indicated that based on concerns expressed by the various waterfront homeowner associations, changes had been effected since first reading of the ordinance; the changes were provided in a separate ordinance entitled "Version II." Dr. Staiger reviewed some of the issues raised by the associations, noting that the Aqualane Shores Association, which had

initially requested the regulations, had remained steadfast in its desire to keep vessels out of the side yard setbacks. On the other hand, Royal Harbor Association representatives were anxious to allow vessels to encroach into the setback and indicated that an envelope for dock and boat of 25% of the waterway was sufficient; Version II therefore simply states that a pier in Royal Harbor may not encroach any farther than the platted dock limit line, which is 5 feet, and then general standards apply. Property owners in the Moorings Bay System had expressed concerns, Dr. Staiger said, regarding several properties which have very little water frontage. These properties would be accommodated by allowing the building of a 25 foot long, 4 foot wide pier to accommodate up to a 27 foot boat; now docks are restricted to 10 feet on these properties and therefore limit boat size to 20 feet.

The major changes include removal from the general side yard encroachment prohibition of all reference to vessels and vessels on lifts. Other homeowner association concerns, Dr. Staiger said, were addressed in various amended area-specific regulations, such as allowing properties on Haldeman Creek the more liberal extension of piers which was initially afforded those on Naples Bay because of difficulty in obtaining dredging permits in that area. Grandfathering of existing structures and vessels was addressed in a new section, Dr. Staiger explained, and would be based on 1995 aerial photographs showing some 50 locations. Should Version II of the ordinance be selected, Dr. Staiger said that property owners would be notified by mail and allowed 120 days to request a formal determination that their dockages are nonconforming.

Council Member Pennington expressed concern that some property owners in the Moorings Bay System would still be precluded from having a boat larger than 20 feet even with the revisions proposed in Version II because of impact upon the rights of adjacent property owners.

**Public Input: (11:22 a.m.)**

**James Rigsbee, 1245 Tuna Court**

Mr. Rigsbee said that the Royal Harbor Association had been unanimous in its desire that Royal Harbor not be included in any of the regulations. Therefore, he said he was registering his objection and disappointment in Version II currently under consideration.

City Manager Richard Woodruff explained that, regardless of the regulations ultimately adopted, all areas must be addressed, even if the ordinance merely states that regulations do not apply there. It was also noted that although Port Royal is not included in these particular standards, other standards for dockages are contained within zoning regulations which are specific to the Port Royal area. However, regardless of the regulation in force, Dr. Woodruff pointed out, the City can enforce only those which are codified, not the deed restrictions of individual subdivisions. However, Dr. Staiger indicated that it had been his impression that the main concern in Royal Harbor had been with encroachment into side yards and that he had no problem with increasing permitted extension into the water way to 33% of the canal width in Royal Harbor and even removing restrictions regarding beam width of boats.

**Barbara Cauley, 3200 Bailey Lane (representing James McGee, 396 Mooring Line Drive)**

Ms. Cauley provided a diagram showing her client's property which has 20.14 feet of frontage on Compass Cove; the neighbor's property was shown to have over 32 feet frontage. She said she supported the ordinance under consideration because it would allow Mr. McGee to have a reasonable size boat docked at his property by working with his neighbor. (A copy of this diagram is contained in the file for this meeting in the City Clerk's Office.) Dr. Staiger noted that the Lippman property adjoining Mr. McGee had been listed among the nonconforming lots in the aerial survey referred to above.

**Richard Meadows, 265 Springline Drive**

Mr. Meadows expressed concern about increasing the length of dockage into canals for narrower properties in the Moorings Bay System because of possible impact upon the view of neighboring properties, particularly if boat lifts are permitted. Dr. Staiger explained that such situations are addressed by requiring that installations accommodate neighboring properties. Dr. Woodruff noted, however, that in some cases riparian rights must be considered, particularly when property lines extending into the waterway cross due to the configuration of the shoreline.

In response to the issue of riparian rights, City Attorney Chiaro pointed out that a governmental entity may become liable if a regulation adopted by that entity deprives property owners of the use of their property granted under general law, including riparian rights. This could occur if docks are permitted which project in such a way as to take away a neighbor's access. It is however not the City's role to provide regulations to afford maximum use of property such as providing a waterfront property owner with 20 feet of frontage the ability to install the maximum pier size and vessel, she said. Council Member Pennington requested clarification, therefore, on Section (c)(3) of Version II as to whether removing side yard setback restrictions on lots of less than 45 feet would restrict anyone's property rights. City Attorney Chiaro indicated that while the language as written does not restrict property rights, in practice, some restriction could occur; therefore, each property should be viewed on a case-by-case basis.

To address this concern, Vice Mayor Korest proposed removing from the last sentence in Section (c)(3) the words "so that the property owner shall be able to construct a pier and/or boat lift that shall otherwise be in compliance with this section." City Attorney Chiaro said that her concerns were alleviated with this proposed amendment, noting that discretion regarding particular circumstances would then be placed in the hands of the Natural Resources Manager.

**Public Input Closed:** (12:24 p.m.)

***MOTION by VanArsdale to ADOPT "VERSION II" of the ordinance (95-7444) AS AMENDED deleting from the last sentence in Section (c)(3) "so that the property owner shall be able to construct a pier and/or boat lift that shall otherwise be in compliance with this section;" and in Section (c)(7) eliminating any***

*restriction on beam width; seconded by Korest and carried 6-1, all members present and voting (Tarrant dissenting).*

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**Break: 12:29 to 1:47 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.**

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**PURCHASE OF INVESTMENT ADVISORY SERVICES.....ITEM 19**

City Manager Richard Woodruff indicated that the Council had directed staff to issue requests for proposal (RFP's) so that Council might consider hiring a financial advisor. RFP's received were reviewed by a committee made up of Council Member Sullivan, Finance Director Bill Harrison and an independent local banker, Charles White, who is Senior Investment Officer with Compass Bank. Finance Director Harrison reported that 13 responses had been received with most in the category of \$30,000 to \$50,000 per year for services. However, Palm Beach Investment Advisors had bid only \$4,000 a year. After contacting this firm, Mr. Harrison said that he learned that Palm Beach Investment Advisors had submitted an unusually low bid in order to expand to municipal investing, and in order to use the City of Naples as a future reference. Nevertheless, he said, this firm currently contains individuals with sound municipal backgrounds. Council Member Sullivan echoed these comments and also pointed out that Palm Beach Investment Advisors already handles large accounts in the Naples area. The firm would provide full management and investment guidance without taking over investments; the City would retain the right to execute investment transactions, which Mr. Sullivan pointed was comparable to the services offered by other firms whose prices ranged as high as \$60,000. It was noted that the agreement with Palm Beach Investment Advisors would be for one year.

Mr. Harrison then confirmed in response to Vice Mayor Korest that because of the drastic price differential between Palm Beach and the other firms, only Palm Beach had actually been interviewed. Mr. Korest said that he felt strongly that since the RFP had indicated that the list would be narrowed and two or three firms interviewed, this should have been done, noting that important information is often derived from face-to-face communication which would not otherwise be available from written materials. In addition, he expressed the view that price was of little significance for this important service, noting that it is ultimately the Council's responsibility to monitor the condition of the City's investments.

Mr. Sullivan pointed out that the selection committee had conducted an extensive interview with Palm Beach Investment Advisors and had asked tough questions and received what he described as candid answers. He said the committee had felt that it would not be appropriate to pay a considerably larger amount for precisely the same services. While stating that his concern was not intended to reflect on the activities of the committee, Vice Mayor Korest nevertheless indicated that he wished for the Council to meet with members of the Palm Beach firm and to review the proposed contract.

Council Member Prolman said that she felt that three firms should have been interviewed if that was

the intent, noting that any decision could otherwise be arbitrary. Mrs. Prolman also expressed concern about what she described as "an enormous discrepancy in fee" and said she wished to have more information in this regard.

Council Member Tarrant said that he had not understood that by appointing a consultant selection committee the Council was therefore approving the hiring of a financial advisor. He said that the Council's goal should not been to seek high yield on its investments but to preserve principal which could be done merely by investing in treasury bills. He observed that there was an overall dangerous financial atmosphere in the country, and pointed out that Collier County government had been found to be in violation of its investment policy for having derivatives in its portfolio. The City also has some derivatives, he said. However, while he said he had confidence in Mr. Harrison's ability, he nevertheless recommended that the City's portfolio be reviewed like Collier County's had been to determine the City's potential exposure through derivative investments.

Finance Director Harrison explained that while Orange County, California, had experienced problems with its investment in derivatives, both that portfolio and the Collier County portfolio are very different from City investments. The term derivative applies to a wide range of instruments which range from three month to 30 year maturities, he said; the ones which are contained in the City's portfolio are government agency obligations which are triple-A rated, and next to treasury bills, are among the most conservative of investments, Mr. Harrison noted. In addition, he stressed that even with the hiring of a financial advisor, he would continue to handle all trading, and City Manager Woodruff reiterated his and Mr. Harrison's pledge to strictly adhere to the City's investment policy and to protect City assets.

Council Member VanArsdale said that he was comfortable with the work of the selection committee and felt that its recommendation was sound. Mayor Muenzer agreed and pointed out that it is not unusual for consultants to offer lower rates for services in order to add the City of Naples to their client list. He said he felt confident Finance Director Harrison would advise Council if the services of the financial advisor were not up to expectations.

**Public Input:** None

***MOTION by VanArsdale to APPROVE the recommendation of the committee to engage the services of Palm Beach Investment Advisors but to interview the firm's representative at the time the contract with the firm is presented to Council for approval; seconded by Sullivan and carried 4-3, all members present and voting (Korest, Prolman and Tarrant dissenting).***

**First Reading..... ITEM 9-a  
AN ORDINANCE AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES TO ADD  
ARTICLE IV TO BE ENTITLED "CHARTER BOATS," AND TO INCLUDE THE  
ADOPTION OF SUBSECTIONS 78-170 THROUGH 78-176; PROVIDING A**

**SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Richard Woodruff noted various transmittals received by the Council with reference to this proposed ordinance. (Copies of these materials are contained in the file for this meeting in the City Clerk's Office.)

Planner Flinn Fagg and City Manager Woodruff outlined changes which had been made in the proposed ordinance pursuant to City Council discussion at first reading. (These changes are reflected in the materials provided to the Council in the meeting packet and include registration sticker requirements, flags to be displayed by restricted charter boats, and exemption for water taxi services.) The staff also distributed a revised Section 78-171 which clarified the requirements for applying for exceptions (Attachment 2). City Attorney Chiaro explained that this latter provision was considered a grandfathering provision with included application requirements. It was also clarified that the exception would remain in effect as long as the conditions for granting that individual exception remain, but it could be revoked if conditions change. City Manager Woodruff also noted that enforcement of the new provisions would be handled on the water by the Police Department marine patrol units and on land by the zoning enforcement officer.

**Public Input: (3:00 p.m.)**

**Alex Engelsted, 225 Cove Lane (Sailboats Unlimited)**

Ms. Engelsted indicated her support for the changes in the ordinance just reviewed. She expressed the hope that the charter boat industry could be largely self-regulating. However, Ms. Engelsted expressed concern regarding possible citing of her vessel for not displaying a flag when it was being used for private excursions for her family; she also asked whether the exception, once granted, could be transferred to another vessel by the same operator. (City Attorney Chiaro clarified later in the discussion that the exception would apply to the current owner of the current vessel; if either the vessel or the owner changed, the exception would no longer apply. The exception provision would be in force only until October.)

**Anthony Pires, 801 Laurel Oak Drive (Attorney for "Rosie" paddle wheel cruise boat)**

Mr. Pires said he applauded the City's efforts in charter boat regulation but sought clarification with reference to occupational license requirements. City Manager Woodruff indicated that the October 1, 1995, deadline for application for an exception would be available for holders of either City or County occupational licenses but not for those outside Collier County; however, the intent under the new ordinance would be that all vessels operating inside the City, regardless of mooring location, would be required to purchase a City occupational license. Mr. Pires also asked for guidance should there be a rush as the October 1st deadline approaches for drop-off/pick-up boats to make arrangements for landside facilities. City Manager Woodruff said that in conversations with Turner Marina and the City Dock, he believed that plans would be formulated rapidly to accommodate this need.

**Allen Walburn, 539 11th Avenue South**

Mr. Walburn said he felt it would be more fair for brokers like him to be able to purchase a blanket occupational license to cover charters which are occasionally brought in from outside the County to handle convention business. He also asked whether those boats which currently have 16 square foot signs would be grandfathered in or whether they would have to comply with the requirements of the new ordinance which permits only smaller signs. Planning Director Missy McKim said that her interpretation would be that the larger sign would be allowed to continue as a nonconformity as long as the vessel occupied the same slip; if it were moved, then the new signage requirements would be effective. City Attorney Chiaro also clarified that a vessel dropping off or picking up passengers in the City is considered to be doing business in the City and therefore a City occupational license is required. Mr. Walburn also requested clarification regarding charter boat advertising which may be in violation of the ordinance but which had been placed prior to the ordinance taking effect. City Manager Woodruff indicated that a period of public education would be necessary after the ordinance is adopted which will necessitate issuance of courtesy citations for a period of time. Ms. McKim also pointed out that documentation of advertising would be required at issuance of occupational licenses for charter vessels.

**Alex Kirkman, 121 Fifth Street North**

Mr. Kirkman stressed his view that the ad hoc committee to be instituted in connection with this ordinance not be charged with enforcement but, rather, that it would work through the City staff. He said he was otherwise pleased with the changes that had been outlined in the proposed ordinance.

**Captain Gene Luciano, 805 River Point Drive**

Captain Luciano requested that the grandfathering of current signs which exceed requirements be put in writing. He also pointed out that larger boats caused environmental impact on Naples Bay, some of which scrape the Bay bottom destroying habitat. City Manager Woodruff indicated that he would take this issue up with the ad hoc committee when formed.

**Ken Gilbert, 839 Dandelion Court, Marco Island**

Mr. Gilbert, who said he operates the "Rosie" paddle boats from Marco Island, indicated that he felt he could operate under the restrictions as proposed but expressed concern with reference to not being able to substitute grandfathered vessels if the capacity were the same.

**Gail Schultz, 1079 Bald Eagle Drive, Marco Island**

Ms. Schultz indicated that as a broker of charter boats, her concern was similar to the previous speaker. She also noted concerns expressed by Allen Walburn regarding the need to import larger craft to accommodate convention demand. City Manager Woodruff reiterated that large boats could apply for exceptions until October 1, but no exceptions would apply to boats from outside the County which do not normally operate in the area. Also in response to Ms. Schultz, Dr. Woodruff noted that unrestricted vessels which have complied with parking and other requirements are

unrestricted only when using their own dockage site, not at other marinas.

**Jay Stemen, 3230 Valencia Drive**

Mr. Stemen asked whether he would be required to purchase an City occupational license if his boat is docked at a Vanderbilt Beach marina and merely charters out of the City Dock. City Manager Woodruff indicated that a City occupational license would be necessary if he operates within the City and that in order to operate a drop-off/pick-up charter after October 1, he must apply to the City Council for an exception.

**Public Input Closed (3:56 p.m.)**

Council Member Sullivan suggested that instead of finalizing the ordinance at that time, it be advertised for second reading at a subsequent meeting due to the changes discussed. City Attorney Chiaro indicated that this would be permissible in the interest of caution, although such action is not legally required. Vice Mayor Korest also suggested that the effectiveness of this ordinance be documented, and City Manager Woodruff indicated that this would be a function of the ad hoc committee.

***MOTION by Sullivan to APPROVE this ordinance on first reading and schedule second reading for June 7, 1995; seconded by Tarrant and carried 6-1, all members present and voting (VanArsdale dissenting).***

**Resolution (Withdrawn)..... ITEM 9-b  
A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPOINT AN AD HOC  
CHARTER BOAT ADVISORY COMMITTEE TO ASSIST IN THE IMPLEMENTATION  
OF CHARTER BOAT REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.**

This item was withdrawn for resubmission in conjunction with second reading of the above charter boat ordinance.

**First Reading..... ITEM 13  
AN ORDINANCE ADDING SECTION 118-90, "DEFINITIONS" TO THE CODE OF  
ORDINANCES OF THE CITY OF NAPLES, TO ADD DEFINITIONS FOR BUILDING  
PERMITS; AMENDING SECTIONS 118-91 "BUILDING PERMITS", 118-92  
"ELECTRICAL PERMITS", 118-83 "PLUMBING PERMITS" AND 118-94  
"MECHANICAL PERMITS"; DELETING SECTIONS 118-95 "ANTENNA PERMITS",  
118-96 "WELL PERMITS", AND 118-97 "DRIVEWAY PERMITS", TO PROVIDE  
REVISED PERMIT FEES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER  
PROVISION, AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

Building Official William Overstreet quoted permit fee revenues realized the prior year for various categories of construction. He indicated that by charging a fee based on square footage rather than total cost quoted by the builder, inconsistencies would be avoided. As an example, Mr. Overstreet



stated that there had been a recent variation of \$25 to \$200 in quoted building cost per square foot for two houses in the same neighborhood on the same street. All inspection fees, including plan review, are included in the cost of the permit unless additional inspections are necessary or are requested by the builder. Mr. Overstreet also indicated that the hourly rate charged for after-hours and weekend inspections includes vehicle expense and other operating costs, and that inspectors were being cross-trained to share these duties. With reference to conducting unscheduled inspections, Mr. Overstreet indicated that some are done; City Manager Woodruff indicated that this type of enforcement would be further reviewed.

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**It is noted for the record that Deputy City Clerk Tara Norman acted as recording secretary for the preceding portion of the meeting and that City Clerk Marilyn McCord acted as recording secretary until adjournment.**

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**Public Input:** None

***MOTION by Pennington, to APPROVE this ordinance on first reading; seconded by Prolman and unanimously carried, all members present and voting.***

**First Reading.....ITEM 18**  
**AN ORDINANCE AMENDING SUBSECTIONS 86-205(C)(1) AND 86-205 (C)(3) OF THE COMPREHENSIVE DEVELOPMENT CODE TO REVISE THE METHODS AND STANDARDS FOR APPROVAL OF VARIANCES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Attorney Chiaro. In response to Council Member Prolman, City Attorney Chiaro indicated that of the two options presented to Council, Option A provided more flexibility than Option B and that Option A was the one recommended by the Planning Advisory Board.

**Public Input:** None

***MOTION by Korest to APPROVE this ordinance on first reading with OPTION B; seconded by Prolman and unanimously carried, all members present and voting.***

**.....ITEM 20**  
**PURCHASE OF PROFESSIONAL LANDSCAPE DESIGN SERVICES - FIFTH AVENUE SOUTH SHOPPING AREA** Vendor: J. Roland Lieber, P.A., Naples, Florida / Total Price \$8,600.00 / Funding - CIP Project #95F36

**Public Input:** None

***MOTION by Prolman to APPROVE; seconded by VanArsdale and carried 6-1, all members present and voting (Tarrant dissenting)*** During the vote on this issue Council Member Tarrant indicated that he did not favor this expenditure because it was funded through tax increment revenues.

**RESOLUTION 95-7445.....ITEM 32**  
**A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT WITH THE CITY**  
**ATTORNEY, IN SUBSTANTIALLY THE FORM ATTACHED HERETO; AND**  
**PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro.

The agreement was reviewed by the City Attorney who indicated that the provisions contain a \$2,500 incremental increase in salary for the current year and many of the same provisions of the previous agreement. Benefits are the same as provided to the City Manager. In addition, the agreement under consideration sets forth duties and responsibilities of the City Attorney to supplement Charter provisions which merely set out method of employment and state that the City Council may assign duties to the City Attorney as desired.

Council Member Sullivan explained that he had asked that this item be removed from the consent agenda because of conversations which he had had with members of various City departments who had indicated to him that the process for drafting ordinances was a difficult one. He also said he was concerned that this was a contract which provided for automatic renewals which he said to him resembled tenure. He said, for example, that he wished to have discussions with the City Attorney prior to the new budget adoption with reference to the policy of granting a car allowance and mileage, indicating that he felt payment should not be made for both; he said that he preferred payment for actual miles travelled. (It was clarified in subsequent discussion that City department heads are paid mileage only and that the City Manager receives a car allowance and no mileage payment.) Mr. Sullivan also indicated that the six-month termination payment was too liberal. He also questioned whether the City needed a full-time City Attorney in light of the fact in prior years the office was staffed by only a part-time City Attorney and one legal assistant; now there is a full-time City Attorney, a legal assistant and a legal clerk. He said he felt that it was worthwhile to consider privatizing this service.

In response to Mayor Muenzer, City Attorney Chiaro commented on the process for preparation of ordinances. She said that she felt the quality of the ordinances and resolutions prepared for the Council had improved over the past two years and that just recently she had discussed with two department heads the method used to prepare ordinances. She estimated that the drafting of ordinances and resolutions encompassed approximately 40% of her time and because it is a primary activity of the City Attorney's Office, she wished it to perform well. Council Member Pennington said he felt that generally the paperwork provided to Council had improved although he was still concerned about the number of errors and that he felt that it was not the Council's function to do the final proofing. He said there could still be a problem in the transmission of documents between the City Attorney and other departments.

Council Member Tarrant agreed that the car allowance issue should be reviewed further. However, he said since he has been on the Council he had changed the position he once held that the City

Attorney should be part-time.

**Public Input:** None

***MOTION*** by Korest to ***APPROVE*** this Resolution 95-7445 as presented; seconded by VanArsdale and carried 6-1, all members present and voting (Sullivan dissenting).

In discussion during the vote, Vice Mayor Korest, and Council Members Prolman, Pennington and Tarrant stated that they did not wish to have other than a full-time City Attorney. Council Member Sullivan clarified his prior statement indicating that while he had not proposed that the City Attorney be part-time, he felt that in the interest of consistency the Council should review every operation with regard to the advantages of privatization. Mayor Muenzer said he felt that the issue of automobile mileage should again be addressed during budget review.

**First Reading..... ITEM 17-a**  
**AN ORDINANCE PROPOSING THE ANNEXATION OF THE WEST BOULEVARD AREA, BEING PART OF THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED HEREIN, SAID PARCEL CONTAINING 61.79 ACRES, MORE OR LESS; PROVIDING BALLOT QUESTION, AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro.

City Manager Richard Woodruff explained that the City's annexation policy contained in the comprehensive plan indicates that properties within the City's sewer service area should be considered for annexation if they are contiguous and if the residents so request. Both High Point and West Boulevard are within this area. Because of they each contain less than 5% of the City's population, he said, under state law it is necessary to hold a referendum election only within the area to be annexed and not among voters inside the city limits. In response to Vice Mayor Korest, Dr. Woodruff noted that during meetings with West Boulevard residents, the City's annexation policy had been explained but the staff merely made information available and did not express an opinion for or against. It was also noted in the discussion that the City's annexation policy would be reviewed during the comprehensive plan review process now underway.

**Public Input:** None

***MOTION*** by Korest to ***APPROVE*** this ordinance on first reading; seconded by Prolman and unanimously carried, all members present and voting.

**First Reading..... ITEM 17-b**  
**AN ORDINANCE PROPOSING THE ANNEXATION OF THE HIGH POINT AREA, INCLUDING HIGH POINT COUNTRY CLUB, CATALINA AT HIGH POINT, AND ROYAL PALM POINT; BEING PART OF THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 49 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED HEREIN, SAID PARCEL CONTAINING 47.91 ACRES, MORE OR LESS; PROVIDING BALLOT QUESTION, AND PROVIDING AN EFFECTIVE DATE.** Title read by City

Attorney Chiaro.

**Public Input:** None

***MOTION*** by Korest to ***APPROVE*** this ordinance on first reading; seconded by Prolman and carried 5-2, all members present and voting (Pennington and Tarrant dissenting).

**OPEN PUBLIC INPUT** .....  
None

**CORRESPONDENCE / COMMUNICATIONS**.....

Mayor Muenzer noted a special City Council meeting to be held on Monday, May 22nd, with reference to the Naples Pier restoration project. Mayor Muenzer indicated that Jackie Harr, a Lely High School athlete, and the Naples girls' softball teams would be recognized at future meetings for their achievements. Mayor Muenzer also pointed out that the City staff would hold a public meeting on Wednesday, May 24th, to receive input regarding proposed changes to Cambier Park. He said that this renovation program would be accomplished over 10 to 15 years, depending upon funding, and that the City would not move hastily.

**ADJOURN**.....  
6:30 p.m.

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Paul W. Muenzer, Mayor

Marilyn A. McCord  
City Clerk

Tara A. Norman  
Deputy City Clerk

These minutes of Naples City Council approved on July 19, 1995.

Supplemental Attendance List

City employees receiving  
in-service awards:

Alan Johnson  
Howard Gump  
Robert LeGault  
Charles McCoy  
Norman Odeneal  
Rita Naughton  
Debora Hernandez  
Ted Garrett  
Ronald Crouse  
Jeanne Mulford  
Melvin Hiers  
Rosalie Berman  
Adrienne Currie  
Karen Ball  
Voncil Whittaker  
Carol Carlson  
Ann Walker  
Debbie Harris  
Thomas Hoffman  
Douglas Davidson  
Paul Massey  
Ralph Cox  
Steve Allen

Charles Andrews  
Werner Haardt  
Joseph Herms  
John Remington  
Jay Stemen  
Keri Gilbert  
Gail Schultz  
Gene Luciano  
Alex Engelsted

Anthony Pires  
Allen Walburn  
Alex Kirman  
Richard Meadows  
James Rigsbee  
Barbara Cawley  
Lonnie Baker  
Everett Thayer



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**City Council Regular Meeting**

**May 17, 1995**

Convened 9:00 am / Adjourned 6:30 pm

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