



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - July 19, 1995 - 9:00 a.m.

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 2

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

Council Members:
Ronald M. Pennington
Marjorie Prolman
Fred Tarrant
Peter H. Van Arsdale

Absent: Council Member Fred L. Sullivan

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Jon Staiger, Ph.D., Natural Resources Mgr.
Mark Thornton, Community Services Director
Missy McKim, Planner Director
Ann Walker, Planner II
Flinn Fagg, Planner I
Marilyn McCord, City Clerk
Tara Norman, Deputy City Clerk
Mary James, Administrative Assistant
Jane Weeks, Administrative Assistant
George Henderson, Sergeant-at-Arms

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

INVOCATION and PLEDGE of ALLEGIANCEITEM 1
Father John Glaros, St. Katherine Greek Orthodox Church of Naples.

ITEMS TO BE ADDEDITEM 3
None

RESOLUTION (Removed).....ITEM 8
A RESOLUTION GRANTING NONCONFORMITY PETITION 95-N1 TO ALLOW THE SUBSTITUTION OF THE "BUOY I" CHARTER BOAT FOR THE "TIKI II" CHARTER BOAT AT SLIP 2 OF THE OLE MARINA DOCKS, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

City Manager Richard Woodruff stated that Item #8, a change in nonconformity regarding the Tiki Charter Boat was being withdrawn.

MOTION by Pennington to SET AGENDA and REMOVE Item 8; seconded by Prolman; and unanimously carried (Sullivan absent).

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 17
April 3, 1995 Workshop June 19, 1995 Workshop
May 8, 1995 Workshop June 19, 1995 Budget Workshop
May 17, 1995 Regular Meeting June 20, 1995 Budget Workshop
May 22, 1995 Special Meeting June 21, 1995 Regular Meeting
June 7, 1995 Regular Meeting

RESOLUTION 95-7473.....ITEM 18
A RESOLUTION REVISING RESOLUTION 95-7386, GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO ADD APPROXIMATELY 1,188 SQUARE FEET OF LIVING SPACE TO AN EXISTING RESIDENCE AND CONSTRUCT A THREE-CAR GARAGE WITH A HABITABLE SECOND FLOOR, A SWIMMING POOL AND PAVER-BLOCK PATIO, A WOOD DECK, AND REPLACE AN ASPHALT DRIVEWAY WITH PAVER BLOCKS, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE AT 2976 GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 95-7474.....ITEM 19
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPLES ADOPTING PROCEDURES TO REMOVE THE PRESUMPTION OF PREJUDICE REGARDING EX PARTE COMMUNICATIONS IN QUASI-JUDICIAL PROCEEDINGS; AND PROVIDING

AN EFFECTIVE DATE. Title not read.

.....ITEM 20
**BUDGET AMENDMENT TO ESTABLISH ASSESSMENTS RECEIVABLE ACCOUNTS
IN CONJUNCTION WITH CONSTRUCTION OF IMPROVEMENTS IN THE AVION
PARK AND SEAGATE ASSESSMENT DISTRICTS.**

BID 95-40.....ITEM 21
**AWARD OF BID FOR STREETScape LUMINARIES ON FIFTH AVENUE SOUTH AND
AT CRAYTON COVE.** Vendor: Raybro Electric, Naples, Florida / Totals: \$116,130 (Fifth
Avenue) \$16,010 (Crayton Cove) / Funding: Fifth Avenue Assessment District and current
operating budget

BID 95-35.....ITEM 22
AWARD OF ANNUAL CONTRACT FOR PIPE FITTINGS AND ACCESSORIES.
Various vendors / Estimated annual expenditure: \$707,500 / Funding: Waster Distribution and
Wastewater Collection inventory accounts

RESOLUTION 95-7475.....ITEM 23
**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL
FOR UTILITY RELOCATION DESIGN SERVICES FOR THE GORDON RIVER
BRIDGE REPLACEMENT, LOCATED ON U.S. 41, IN SUBSTANTIALLY THE FORM
ATTACHED HERETO AND MADE A PART HEREOF, BETWEEN DYER, RIDDLE,
MILLS & PRECOURT, INC. AND THE CITY OF NAPLES; AND PROVIDING AN
EFFECTIVE DATE.** Title not read.

MOTION by Pennington to ***APPROVE*** Consent Agenda, Items 17 through 23;
seconded by Van Arsdale and unanimously carried (Sullivan absent).

ANNOUNCEMENTS..... ITEM 4
City Manager Richard Woodruff introduced Police Officer David Segreue who recognized three
Barron Collier High School students. Officer Segreue stated that the students are working in the
Scholars' Program toward completing a 75-hour community service program with the Police &
Emergency Services Department, learning all facets of that operation.

ORDINANCE 95-7475.....ITEM 13
**AN ORDINANCE PROPOSING THE ANNEXATION OF THE HIGH POINT AREA,
INCLUDING HIGH POINT COUNTRY CLUB, CATALINA AT HIGH POINT, ROYAL
PALM POINT, AND CERTAIN COMMERCIAL PROPERTIES; BEING PART OF THE
SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 49 SOUTH, RANGE 25 EAST,
MORE PARTICULARLY DESCRIBED HEREIN, SAID PARCEL CONTAINING 53.16
ACRES, MORE OR LESS; PROVIDING BALLOT QUESTION, AND PROVIDING AN
EFFECTIVE DATE.** Title read by City Attorney Chiaro.

Dr. Woodruff stated that approval of this ordinance at second reading would result in a mail ballot

election in October. Council Member Pennington commented that in his opinion this action was premature.

Public Input: None

MOTION by Korest to ADOPT Ordinance 95-7475; seconded by Van Arsdale and carried 5 - 1 (Pennington dissenting and Sullivan absent).

**First Reading (two ordinances)ITEM 5
AN ORDINANCE ADOPTING SMALL-SCALE COMPREHENSIVE PLAN
AMENDMENT 95-CPASS4 AMENDING THE COMPREHENSIVE PLAN FUTURE LAND
USE MAP FROM "LOW-DENSITY RESIDENTIAL" TO "PUBLIC AND SEMI-PUBLIC
INSTITUTIONAL" FOR PROPERTY LOCATED AT 800 BANYAN BOULEVARD,
MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE
DATE.**

**AN ORDINANCE APPROVING REZONE PETITION 95-R6, REZONING PROPERTY AT
800 BANYAN BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM
"R1-15" SINGLE-FAMILY RESIDENTIAL TO "PS" PUBLIC SERVICE; AND
PROVIDING AN EFFECTIVE DATE.** Titles read by City Attorney Chiaro.

Planning Director Missy McKim stated that the petitioner had requested a continuance to August 16, 1995. Kim Kobza, attorney for the petitioner, stated that this request had been made because some of the key people involved were out of town and his own current obligations with the Hideaway Beach hearings were taking his time until that date. Mr. Kobza explained to Council that staff was made aware of these reasons two weeks ago.

Public Input:

Monica Cameron, 690 Banyan Circle

Mrs. Cameron told Council that she opposed this continuance and the petition itself. Mrs. Cameron stated that she and others had taken time from work for the sole purpose of attending this meeting.

Scott Cameron, 690 Banyan Circle

Mr. Cameron opposed the continuance, stating that there had been enough delays.

Gordon Kelly, 711 Banyan Boulevard

Mr. Kelly agreed with Mr. and Mrs. Cameron.

Vice Mayor Korest stated that he appreciated the comments, however, it had been Council's practice in the past to consider the request of the petitioner while trying to be sensitive to the neighbors.

MOTION by Prolman for CONTINUANCE to August 16, 1995; seconded by Van Arsdale and unanimously carried (Sullivan absent). This petition will be reviewed by City Council at 9:15 a.m. on August 16th.

**RESOLUTION 95-7477.....ITEM 10
A RESOLUTION GRANTING CONDITIONAL USE PETITION 95-CU8, IN ORDER TO**

PERMIT A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES FOR A PROPOSED MEDICAL BUILDING, TO BE LOCATED AT 702 GOODLETTE-FRANK ROAD, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff stated that this petition had been submitted to Council with the Planning Advisory Board's approval. Council Member Prolman noted that the language in the condition for Item A did not agree with the resolution. Planner Flinn Fagg explained, however, that the effect would be the same.

John Asher, of McAnly, Asher & Associates, engineer for the petitioner, stated his agreement with staff's recommendation with one exception which was the landscape buffer. Mr. Asher said that the petitioner had requested a three foot rather than five foot landscape buffer. This is an internal property line, Mr. Asher continued, which had been previously approved. The annexation document had the approved site plan with which the petitioner is in compliance.

Dr. John Strohmeyer, petitioner, distributed copies of the approved annexation site plan for the entire parcel. (This document is contained in the file for this meeting in the City Clerk's Office.) Dr. Strohmeyer stated that he had spoken to the owner of the remaining property, Stockton Renfroe, and it was Mr. Renfroe's desire to mirror a three foot landscape buffer on his property as well. This would result in a six foot landscape buffer which would cover the needs of drainage and landscaping. Dr. Strohmeyer responded to Council Member Van Arsdale by stating that the additional two feet would come from the landscaping adjacent to the southern border; parking would be adjacent to the building. Council Member Prolman stated that there appeared to be additional room on the Commons Drive side of the lot. Dr. Woodruff stated that there were some options which could be considered: City Council could consider the fact that the petitioner agreed to reduce the Commons Drive buffer from 14 feet to 12 feet in order to allow the additional two foot landscaping buffer that is being requested, or the City could require a five foot buffer and pick up the additional two feet from somewhere else.

Vice Mayor Korest inquired whether, because the zoning code required five feet and the petitioner was asking for three feet, a variance to the Code is required. Mr. Korest continued by asking to what extent could a petitioner alter a petition after it had been approved by Planning Advisory Board with staff's recommendation. City Attorney Chiaro stated that if the buffer required in the underlying zoning is five feet and there is nothing in the development agreement which alters the underlying zoning requirements, a variance would be required; therefore, the condition set forth by staff is a reiteration of that which is required.

Planning Director Missy McKim stated that if the property was in one ownership then this would not be an issue; however, since the property has been sold and has re-established property lines, the five foot landscape buffer is required. Ms. McKim also stated that three feet is sufficient although it does not meet the code, so either the code should be changed or a variance should be requested. City Attorney Chiaro agreed and stated that Council would be granting a variance without an application if the reduced landscape buffer were approved.

Council Member Pennington inquired about the possibility of this being done under a conditional

basis whereby the buffer is combined with the adjacent property. City Attorney Chiaro stated that a time frame would have to be set for the adjacent development; she agreed with Ms. Prolman that such an approval would have to be recorded. City Attorney Chiaro stated that she would be satisfied with the above.

Dr. Strohmeyer requested clarification on Council's final terms. *Ms. Chiaro explained that Council was agreeing to the three foot landscape buffer for both buildings and that the landscaping must be done simultaneously. Ms. Chiaro asked whether this would be agreeable to both Dr. Strohmeyer and adjoining property owner Renfroe. Dr. Strohmeyer indicated that he could speak for both and that it was acceptable.*

Vice Mayor Korest questioned how Council could waive the five foot buffer and asked if this could be done any time there were two lots involved. He asked whether Council could commit an owner when that owner was not present. City Attorney Chiaro stated that, given that the general intent of the development agreement was being met, it was acceptable.

Public Input: None

MOTION by Pennington to APPROVE Resolution 95-7477 AS AMENDED; seconded by Tarrant and unanimously carried (Sullivan absent).

RESOLUTION 95-7478.....ITEM 14
A RESOLUTION AMENDING RESOLUTION NO. 3399 WHICH VACATED AND ABANDONED A 60 FOOT UNIMPROVED RIGHT-OF-WAY ON 33RD AVENUE SOUTH, LYING EAST OF GORDON DRIVE AND SITUATED BETWEEN BLOCKS 5 AND 8, OCEAN VIEW ADDITION TO NAPLES, RESERVING THEREIN A DRAINAGE AND UTILITY EASEMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Planning Director Missy McKim stated that in her report to Council she had attempted to outline the pertinent facts over a period of time. For the resolution vacating 33 Avenue South, staff used the figures of 60 X 180 feet. In reviewing historical information, she said, it appeared that the resolution should have vacated a right-of-way of 60 feet wide by 200 feet in length. She related the following:

- . The plat for Ocean View Addition was recorded on January 30, 1988. This plat originally shows Gordon Drive having a width of 50 feet.
- . The next action was Ordinance 247 which was approved in May 26, 1950. This established and defined the location of Gordon Drive, between the south line of Gulf View Estates plat and terminus in Beach Estates, Number 2 plat. In this Ordinance, it states that Gordon Drive is established at 80 feet wide from the south line of Gulf View Estates plat through Ocean View Addition and that the acquisition and the necessary right-of-way would be completed. From the period of 1950 when this ordinance was approved to today, the City has not acquired any of the property that would be necessary to make Gordon Drive the 80 feet rather than the original 50 feet.
- . Resolution 2952 authorized the certification of Gordon Drive alignment.
- . Ordinance 3059 amended Ordinance 247 by excluding lot 23 block 5 of the Ocean View Addition. The ordinance states that the owner of said lot had requested it be

excluded because of a "cloud" on the title to the property affecting the marketability of the lot.

- . There was a petition to vacate the public street submitted May 14, 1979, for unimproved 33rd Avenue South, a 60 foot right-of-way lying east of Gordon Drive and situated between Blocks 5 and 6 Ocean View Addition to Naples. The reason provided in the petition was that 33rd Avenue South, east of Gordon Drive provides no function and is a dead end right-of-way of about 200 feet in length. The petition was submitted by Walter and Eileen Smith, 3355 Gordon Drive.
- . Resolution 3399 was approved on December 5, 1979, which vacated 33rd Avenue South lying east of Gordon Drive, being 60 feet wide by 180 feet in length.

Ms. McKim continued by suggesting that Council direct staff to bring back an ordinance that would exclude lot 22 block 5 and 8 (the residents of the property north and south that are also in the Ocean View Addition) and exclude them from Ordinance 247. By doing so, there would be no confusion in the future when sales occur. The right-of-way for Gordon Drive would be only 50 feet for the extent of Ocean View Addition, as it has been anticipated by this plat. Council Member Pennington asked if the two adjoining properties would then benefit from the additional 20 feet of vacation. According to staff, both properties would benefit. Ms. McKim also stated that additional lots needed to be excluded and an ordinance will be prepared for them in order to resolve the areas in question since 1950. The resolution before Council will only correct 33rd Avenue South and it will not correct Ordinance 247 to exclude the lot to the north and the south.

David Rynders, attorney for the petitioner, stated that Dr. Alan Weiss and Marla Weiss, who recently tried to sell their home, learned from the title insurance company that the 1979 vacation had been improperly done and therefore they could not insure the title. Mr. Rynders stated that currently an imperfect legal description exists which does not necessarily convey rights one way or the other, consequently a correction is needed. All the title company wanted to know was that the City did intend, at that date, to vacate the entire street, which today surveys to 201.12 feet. The title company also wants some assurance that Dr. Weiss had actually conveyed an appropriate amount of land. If that is done, the title insurance company would issue the policy, he said.

City Manager Richard Woodruff stated that Resolution 3399, adopted December 5, 1979, states that the 60 X 180 foot right-of-way of 33rd Avenue South east of Gordon Drive between Blocks 5 and 8 was vacated reserving drainage and utility easements.

Vice Mayor Korest asked if Dr. Weiss had been paying taxes on 180 or 200 feet. According to Planning Director McKim, Dr. Weiss had been paying taxes on his portion of the right-of-way and lot 23 was excluded.

City Attorney Chiaro stated that in her opinion a resolution could not correct an intent of the City Council in 1979. She observed that this sale had triggered the need to clarify the Gordon Drive legal description. She suggested vacating the portion of Gordon Drive that was previously omitted and properly align Gordon Drive as described. She however said she had concerns that the current resolution correcting the intent of Council was in fact a vacation.

Council Member Pennington asked that as a matter of procedure the City Attorney provide a

statement when she does not sign a document prepared for the Council's consideration. Mr. Pennington also suggested changing the wording to "amend" the resolution instead of "correct" the resolution. Ms. Chiaro said she preferred the word "amend" as long as Council noted that it was vacating land without a petition to vacate. Ms. Chiaro said that the matter could be handled either by a petition to vacate or a quiet title action without the City contesting.

Mr. Rynders assured Vice Mayor Korest that there should not be anything else involved; however, he also noted Council should be made aware of the fact that the center line of the Gordon Drive right-of-way is in the grass west of the pavement and all of the paved portion of Gordon Drive exists in the eastern portion of the center line. If additional land is needed from Gordon Drive, the City would have to take it from the west side. Council Member Pennington stated that separate from the motion, *Council should take whatever steps necessary to correct Gordon Drive.*

Council Member Prolman opposed the proposed action and recommended that Council follow the legal description, its own process, and the rules. Mayor Muenzer agreed.

Public Input: None

MOTION by Pennington to APPROVE Resolution 95-7478 AS AMENDED; seconded by Van Arsdale and carried 4 - 2 (Prolman and Muenzer dissenting and Sullivan absent).

Break 10:45 A.M. - 10:50 A.M. It is noted for the record that all Council Members except Sullivan, Prolman, and Pennington were present when the meeting reconvened.

**RESOLUTION 95-7479.....ITEM 12
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT AGREEMENT, A COPY OF WHICH IS ATTACHED HERETO, WHICH PRESERVES THE RIGHT TO DEVELOP A MAXIMUM OF SIX DWELLING UNITS ON A 16,000 SQUARE FOOT PARCEL OF LAND LOCATED AT 649 10TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, FOLLOWING THE STANDARDS OF THE R3-12 ZONING DISTRICT; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro.

City Manager Richard Woodruff stated that this was a request for a development agreement to preserve the right to develop a maximum of six dwelling units in a building or buildings with a maximum habitable footprint of 4,000 square feet, and not to exceed two stories in height. This is currently a non-conforming structure and the owner wished to obtain guaranteed rights after destruction to build six units; whereas, if the buildings were demolished without a development agreement only four could be built. Planner Ann Walker stated that under the current R3-12 zoning regulations, this parcel would support four units; nine units exist on the parcel. The Comprehensive Development Code allows for the voluntary redevelopment of multifamily property at densities that exceed existing levels, subject to certain criteria, but the code is silent as to whether the demolition of the nonconforming structure and the issuance of a building permit for a new structure must occur simultaneously, she said. Because of this ambiguity in the language, the petitioners are requesting a development agreement to retain the right to rebuild at a density in excess of the currently allowed four units. They plan to demolish the existing structure in an effort to improve the salability of the land. Staff recommended approval of the development agreement with an initial duration of three

years, despite the Planning Advisory Board's approval of five.

J. Dudley Goodlette, attorney for the petitioner, stated that what owner Inge Johnstone wishes to do does not compromise the development agreement in any fashion. When redevelopment occurs in five years, Mr. Johnstone would still have to comply with the standards.

Mr. Johnstone stated that the original intent was to purchase the property, tear down the structure, then rebuild. In 1990, when real estate sales were slow, stated Mr. Johnstone, they kept the business open regardless of the repair and maintenance costs, which were very high. The time has come, he said, where the only logical course of action is to tear the building down and rebuild at a later time; if the City passes this resolution then destruction could start immediately.

It is noted for the record that Council Members Pennington and Prolman arrived at 10:52 a.m.

Vice Mayor Korest received clarification that without the agreement, Mr. Johnstone could not transfer the developer's rights when the property was torn down and could rebuild only four units. Mr. Korest indicated that his primary concern was the avoidance of spot zoning. City Attorney Chiaro confirmed that a development agreement provides spot zoning on a parcel and the rights that otherwise would not exist in the zoning district. Mr. Korest stated that he would therefore be more comfortable with the staff's recommended three-year term. Mayor Muenzer and Council Member Tarrant indicated a willingness to compromise at four years. Council Member Van Arsdale stated that the issue was whether Council would rather see a run-down building or a vacant lot.

Council Member Prolman expressed discomfort with the direction of which other parcels in this very populated part of town and noted that this agreement would involve building rights on a relatively small parcel.

Public Input: None

MOTION by Tarrant to APPROVE Resolution 95-7479 AS AMENDED (five year term); seconded by Van Arsdale and carried 4 - 2 (Korest and Prolman dissenting and Sullivan absent).

**RESOLUTION NO. 95-7480ITEM 6
A RESOLUTION APPROVING A WAIVER FROM THE FIFTH AVENUE SOUTH
OVERLAY DISTRICT PROHIBITION AGAINST VERTICAL AWNINGS TO PERMIT A
VERTICAL AWNING ON THE BUILDING AT 602 FIFTH AVENUE SOUTH; AND
PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

Council Member Pennington pointed out that there had been a mis-communication with regard to the parapet. The resolution before Council is a conditional waiver that recommends the painting of the parapet, and if Council would reconsider this item with the Staff Action Committee recommendations, different questions would have to be asked regarding the parapet.

Council Member Van Arsdale stated that he was not present when the Staff Action Committee settled on the compromise. He said that new projects on Fifth Avenue should meet code

specifications. Mr. Pennington noted, however, that the Staff Action Committee did recommend repainting to bring the parapet into the visual conformance.

Valerie Norman, representing the owner of L'Auberge Restaurant, stated that the awning was installed in good faith and expressed the hope that Council would accept the recommendation of the Staff Action Committee.

Council Member Prolman stated that the City would never achieve the standards for Fifth Avenue South if Council allowed the Staff Action Committee to compromise instead of requiring conformance. Vice Mayor Korest said that valid points had been made by both sides, however, circumstances that are present would indicate that a compromise is a reasonable course of action. While he said he did not wish to send a signal that the City did not intend to religiously uphold its standards, he also believed that from time to time the City should bend in fairness and in considering the substance of an issue.

Public Input: None

MOTION by Pennington to APPROVE Resolution 95-7480; seconded by Tarrant; and carried 4 - 2 (Prolman and Van Arsdale dissenting, and Sullivan absent).

ORDINANCE (First Reading).....ITEM 11
AN ORDINANCE APPROVING REZONE PETITION 95-R9, AMENDING AN EXISTING PLANNED DEVELOPMENT, IN ORDER TO PERMIT THE CONSTRUCTION OF A SALES OFFICE AND ADDITIONAL BOAT SLIPS AT NAPLES MARINA AND BOATING CENTER, LOCATED AT 475 NORTH ROAD, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by the City Attorney Chiaro.

Staff recommended approval of the petition, conditioned upon the receipt of stormwater management and utilities plans.

Jim Jenson, president and general manager of Naples Marina & Boating Center, stated that backup whistles had been turned down on the loudest forklift to reduce noise but pointed out that OSHA requirements must also be adhered to.

Public Input: None

MOTION by Korest to APPROVE this ordinance on first reading; seconded by Pennington and unanimously carried (Sullivan absent).

It is noted for the record that Administrative Assistant Jane Weeks acted as recording secretary for the preceding portion of the meeting and that Administrative Assistant Mary James acted as recording secretary until the 1:35 p.m.

ORDINANCE (First Reading).....ITEM 7
AN ORDINANCE AMENDING SUBSECTION (c) OF SECTION 106-235 OF THE COMPREHENSIVE DEVELOPMENT CODE BY ADDING THREE SPECIES OF

NOXIOUS PLANTS, ADDRESSING REMOVAL OF NOXIOUS PLANTS, AND CORRECTING EXISTING ERRORS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff addressed issues raised at the prior workshop. He said that while he did not have an exact figure, the projected cost of removal of vegetation by the City is approximately \$40,000.00 to \$45,000.00 over a three year period. Vegetation noted on Gordon Drive, in Port Royal, and on Wedge Drive would be removed if the ordinance is adopted, he said. Although Australian pine should be removed to prevent hurricane damage, other such plants had not been addressed in the ordinance, Dr. Woodruff explained.

In response to Council Member Prolman, Dr. Woodruff said he believed that he was not technically qualified to recommend this legislation, but from a financial standpoint, he said he did not believe the ordinance represents a negative impact. He deferred to Natural Resources Manager Jon Staiger's professional opinion.

Dr. Staiger reviewed the draft ordinance and observed that there are a number of arguments on both sides of expanding the list of species. He then gave a slide presentation on noxious exotic species which are located within the City. It was noted that carrotwood is frequently used as a landscape plant.

Dr. Staiger also pointed out that the Comprehensive Plan commits to the removal of exotics from undeveloped land when it is developed or redeveloped; therefore, wording was added to define redevelopment as the removal of the main structure on a piece of property and its replacement with another structure. To facilitate removal of noxious plants from infill lots in subdivisions, a plan could be submitted by property owners showing a time frame for dealing with these plants. If the plan is approved and implemented, Dr. Staiger said, the cost of removal could be amortized over two years or more. The extension time had been left open, however, and could be negotiated between the property owner, the Community Services Director, and the Natural Resources Manager.

Dr. Staiger stated that it was important to note that not all residential properties in the City are being addressed, just undeveloped land or vacant infill lots. As part of the program, the City would remove exotic species from its own properties. Residents with Australian pine, melaleuca, and Brazilian pepper will not be forced to remove it under the proposed ordinance, but if these species pose a problem, the City can force the property owner to remove them.

The effect of an exotic plant depends upon its species, Dr. Staiger further noted. Some species cause serious allergic reactions and aggravate respiratory problems, others pose public safety problems, while others simply crowd out native species which are valuable components of the coastal ecosystem. The three species that have been proposed for addition to the list are considered invasive and non-native, however, they do not pose particular health problems. However, he said, there is a desire to reduce the spread of non-native organisms of all kinds in the State and it is reasonable to proscribe invasive plants before they cause problems and to also add to the Code the clearing of exotics that are listed in the Comprehensive Plan. Dr. Staiger noted that the three exotics to be added to the list are earleaf acacia, carrotwood, and Java plum.

Council Member Pennington observed that most palm trees are exotics and to say they are invasive would require the City to include many species in that category.

Council Member Prolman said, however, that the issue is two-sided but that the most important part is to control invasive exotics. The City's current ordinance provides for control of invasive plants only on vacant lots developed or redeveloped but not on every vacant lot or on rights-of-way. The City should make a commitment to control the spread of exotics as stated in the Comprehensive Plan, she said.

Mayor Muenzer posed a question to the audience for a show of hands of those who opposed the three plants being added to the list of noxious species. Approximately half of those present raised their hands.

Public Input: (12:20 p.m.)

Stephen DiDietro, 1255 9th Avenue North

Mr. DiDietro, a Miami native, said that his frequent travel between Naples and Miami has shown him the proliferation of melaleuca growing in a native habitat; he said that he would like to see that change.

John Asher, 368 Hawser Lane

Mr. Asher, Chairman of the City of Naples Code Enforcement Board, expressed concern with language in the existing noxious plant ordinance with reference to potential hazard to neighboring properties.

Amiel Villani, 901 Hidden Terrace Road

Mr. Villani, a board member of the local Chapter of the Florida Nursery Growers Association, distributed a document to Council and said that pure conjecture and personal opinion was not enough evidence to list the proposed plants as invasive and that reports based on scientific evidence should be the determining factor. (A copy of Mr. Villani's submission is contained in the file for this meeting in the City Clerk's Office.)

Ken Langeland, 7922 NW 71st Street, Gainesville, Florida

Mr. Langeland distributed several documents which are contained in the file for this meeting in the City Clerk's Office. He observed that this controversial issue occurs throughout Florida. While he said he does not have a stand on the issue, Mr. Langeland agreed with the previous speaker that if a position is to be pursued, scientific evidence should be required.

Amy Ferriter, 3301 Gun Club Road, West Palm Beach, Florida

Ms. Ferriter, representing the Florida Exotic Pest Plant Council which he said is made up of 148 scientists and botanists within the state, indicated that his organization supported the ordinance.

George Fogg, 628 Woodshire Lane

Mr. Fogg, a landscape architect and member of ASOA, said he is the former Chairman of the local chapter. Mr. Fogg supported Council's approach to control of certain types of plant material.

Sue Nichols-Lucy, representing The Conservancy

Ms. Nichols-Lucy supported the amendment.

Christine Ramsey, representing Florida Wildlife Federation

Ms. Ramsey stated that his group, too, is in support of the adoption of the invasive exotic plant ordinance.

Joe Delate, 370 11th Avenue South

Mr. Delate is a landscape architect and President to the local Chapter of Florida Native Plant Society. On behalf of the Chapter he expressed support of the proposed exotic control ordinance.

Al Somoza, representing the American Farms/FNGA, 4709 Via Carmen

Mr. Somoza distributed "The Myths and Realities of Native Plants," a copy of which is located in the file for this meeting in the City Clerk's Office. He said that there was a general misconception about invasive noxious plants and indicated that there is scientific proof regarding some known noxious plants, however, further study is needed before adding new plants to the list without scientific evidence, he said.

Elizabeth Langston, 740 10th Avenue NW

Ms. Langston opposed of the ordinance, stating that the City is not an island and the decisions of Council will directly affect the rest of the County and South Florida.

Lea Brennan, 1084 Broad Avenue North

Ms. Brennan, manager of the Natural Areas Management Corporation, Amco Tree Service, said that her organization provides for the removal and control of invasive exotic plants as well as a wide range of tree services. Ms. Brennan strongly supported the amendment.

Gene Cox, 2000 Orange Blossom Drive

Mr. Cox, a nurseryman and a member of the Florida Native Plant Society, expressed opposition to banning carrotwood, earleaf acacia, and Java plum.

There was discussion among Council Members concerning the content of the ordinance and extending the two-year removal period to five years. Dr. Staiger noted that the intent for removal of exotics at the time of preparation of the ordinance was that those plants growing in vacant lots or infill lots should be cleared of noxious plants within two years. Mr. Pennington indicated that if the intent is removal only at the time of development or redevelopment, that particular sentence should be stricken.

Council Member Pennington also requested follow-up after the two-year removal period although he said he preferred the removal period of two years be extended to five. Also, the context with regard to vacant lots should be clarified before second reading, he said.

MOTION by Prolman to APPROVE this ordinance on first reading AS AMENDED (five year period); seconded by Van Arsdale and carried 4-2 (Tarrant and Mayor Muenzer dissenting).

Vice Mayor Korest agreed to the motion as presented, however, upon second reading he said that there must be strong persuasion to include carrotwood. Council Member Pennington also agreed to

the motion, however, he said he believed there should be some changes to the ordinance before second reading. Mayor Muenzer stated that he would have preferred that Council agree to the established time line for compliance that had been discussed.

ORDINANCE (First Reading).....ITEM 15
AN ORDINANCE ADDING SUBSECTION 101 TO SECTION 114, ARTICLE IV, OF THE
CODE OF ORDINANCES, TO INCORPORATE SEA TURTLE PROTECTION
REGULATIONS INTO THE COMPREHENSIVE DEVELOPMENT CODE; PROVIDING
A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.
Title read by City Attorney Chiaro.

City Manager Richard Woodruff distributed and reviewed a revised ordinance and stated that the original County ordinance previously adopted for the City only regulated exterior lighting. The second change was to insert a definite date of compliance. The original ordinance stated four months from the time of adoption; however, the adoption date of August 2 would be after the end of the turtle nesting season. By making that change the ordinance will regulate exterior lighting and anyone in violation of the ordinance will be required to comply by the beginning of the next turtle season.

Dr. Woodruff also reported that the Building Department is suggesting window tinting for beachfront construction to help eliminate the lighting problem.

Public Input: None

MOTION by Pennington to APPROVE this ordinance on first reading; seconded by Van Arsdale and unanimously carried (Sullivan absent).

RESOLUTION 95-7481.....ITEM 16
A RESOLUTION APPOINTING A QUALIFICATIONS REVIEW COMMITTEE FOR
THE PURPOSE OF SELECTING A CONSULTANT FOR CONTINUING SERVICES
RELATED TO THE IMPLEMENTATION OF THE DOCTORS PASS INLET
MANAGEMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff noted that the following persons had already been appointed to the Doctors Pass Inlet Management Plan; the present action was to add one Council Member:

Richard Gatti, P.E., Engineering Manager

Jon C. Staiger, Ph.D., Natural Resources Manager

E. Daniel Spina, Moorings Bay Taxing District Advisory Committee Member

MOTION by Van Arsdale to APPOINT VICE MAYOR KOREST; second by Tarrant and unanimously carried (Sullivan absent).

Break: 1:35 p.m. to 2:17 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened. It is also noted that Deputy City Clerk Tara Norman acted as recording secretary until 5:06 p.m.

ORDINANCE (First Reading).....ITEM 9
AN ORDINANCE APPROVING REZONE PETITION 95-R8, REZONING PROPERTY FROM R3-12 SUBJECT TO A DEVELOPMENT AGREEMENT TO PD TO PERMIT 92 UNITS IN TWO BUILDINGS LOCATED AT NAPLES CAY, PARCELS 7 AND 8, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Prior to commencing discussion on this item, City Attorney Chiaro asked Council Members to disclose any ex parte communication which they may have had on this petition; she asked that they disclose the substance of the communication, when it took place and to identify those individuals involved. Ms. Chiaro, however, noted that the Council need not disclose the entire history of communication on this particular property, just that which involved the rezoning now being considered.

Muenzer - None with developer or representatives since item was last addressed; have received letters and phone calls from interested people; has not visited the site. (City Attorney Chiaro indicated that written comments need not be disclosed at this time if they are a part of the record.)

Korest - None with developer or representatives since item was last addressed; have received several phone calls from people in the area of the project; viewed the site from the Brennan apartment in Le Parc.

VanArsdale - None with developer or representatives since item was last addressed; limited conversation with interested citizens.

Prolman - None with developer or representatives since item was last addressed; some phone conversations with interested people.

Pennington - One contact with attorney representing the petitioner in November or December prior to this petition being filed; several discussions with interested individuals.

Tarrant - Two telephone conversations with interested citizens living in the area of the project; one telephone call of less than five minutes placed by him to an attorney for the petitioner seeking basic information.

Planning Director Missy McKim presented a history of the project. (A copy of the overhead transparencies used in this discussion are contained in the file for this meeting in the City Clerk's Office.) Ms. McKim provided a comparison of the Naples Cay project between the current development agreement and the proposed planned development (PD) as well as a comparison of height, open space and lot coverage of buildings in the area (Attachment 2).

Ms. McKim then provided the following review of staff's findings regarding the proposed Naples Cay PD's compliance with criteria set forth in the Comprehensive Development Code:

- The proposed multi-family use of Parcels 7 and 8 is appropriate to the surrounding uses, residential highrise multi-family development to the south, a conservation area to the north and single family homes to the east.
- The comprehensive plan designates Naples Cay as a high-density residential area with a maximum density of 18 dwelling units per net acre and a maximum height of eight stories (75 feet plus 12 feet first floor parking); however, the comprehensive plan also states that all development agreements approved for a property in conjunction with annexation serve as the Comprehensive Plan for that property. Consequently, the development agreement approved

for Naples Cay in 1989 serves as the applicable planning policy for the property. The development agreement allows 12 floors plus two floors of parking. Based on the development agreement, the current petition is found to be inconsistent with the former agreement as it varies from the height limitations placed upon each parcel.

- Although the total land area for the development is limited, the PD does reduce both the density and the total lot coverage that is permitted under the existing development agreement. The building heights and sizes fall within the range of other residential towers in the Park Shore area and in adjacent Pelican Bay. Under the proposed PD, the parcel closest to the single family area to the east, Seagate Subdivision, will be open space with recreation amenities rather than a 14 story building with a large footprint as permitted by the development agreement.
- The planned development document submitted with this petition reduces the number of units on Parcels 7 and 8 from 124 to 92, a 15% reduction, and therefore reduces potential traffic impacts on Seagate Drive upon build-out. The internal traffic in Naples Cay is reduced because no units will be built on Parcel 7 north and the access to Parcels 7 south and 8 will be from the main entrance road.
- Because a drainage plan and a utilities master plan have not been submitted, staff cannot make an assessment as to their appropriateness for the specified use. Prior to the issuance of a building permit, these plans will have to be approved by the City Engineer.
- Recreation areas will be increased under the PD with the use of Parcel 7 north for tennis courts and golf practice/recreational amenity facility rather than a building as permitted by the development agreement.
- It appears that there will be sufficient parking and loading facilities available.
- The visual character of the project cannot be assessed as no elevations have been submitted. The dedication of Parcel 7 north for recreation facilities equals or exceeds the amenities provided by similar developments in the City.
- The amount of open space provided is greater under the planned development petition than under the current development agreement. By limiting development to two buildings on Parcel 7 south and Parcel 8, Parcel 7 north is devoted to open space and recreational amenities.
- The planned development document submitted in conjunction with this petition designates "Parcel 9" as the common area for all of Naples Cay. Parcel 9 is defined as all lands owned by the Naples Cay Master Association, less Parcels 1 through 8. The PD document also states that additional recreational or common facilities may be developed on Parcel 9, but does not specify the type of facilities to be developed.
- The development of Parcels 7 and 8 will most likely occur in phases; the proposed development for those parcels has been located on the overall development plan. The document refers to the development of private boat houses and/or docks, but these facilities do not appear on the overall development plan.

Planning Director McKim indicated that staff recommended approval of the petition with the following conditions:

- Approval of a utilities master plan by Engineering.
- Permit approval of the building encroachment of the wetland area.
- Receipt of the following additional documentation: a mitigation plan for the wetland areas, a

stormwater management plan, and specific information regarding the use of pilings or fill for the development on Parcel 7 south.

- Approval of the final architectural elevation by Planning Advisory Board and City Council.
- Submittal of the final configuration of Parcels 7, 8 and 9.
- No additional recreation facilities may be added to Parcel 9 within the PD boundaries except those shown on the PD master plan.
- Amendment of the language in the Comprehensive Plan to permit greater height on Parcel 7 south per the PD for Naples Cay.
- Definition of the language in the PD permitting boat docks since they are not shown on the site plan.

These conditions were approved by the Planning Advisory Board 4-2 she said, with an added requirement that the Police and Planning staffs work together to determine if there is a better location for the guard house in relation to the public beach parking lot. Ms. McKim indicated that the Planning Advisory Board members voting against approval had expressed concern about height and that zoning regulations had changed since other owners in the area had purchased their property.

Council Member Pennington expressed dismay that the staff was now recommending a new PD on property which had been extensively reviewed earlier in the year when a development agreement for Naples Cay was reinstated, particularly in light of the Council's concern over height. City Manager Richard Woodruff indicated that several calls had been received from the public questioning why the Naples Cay issue was again being considered. He said that because he had disagreed with the staff recommendation, he had drafted a memorandum to Council citing such issues of property rights of others who had purchased in reliance upon an existing development agreement. This memorandum is included as Attachment 3. However, Vice Mayor Korest pointed out that he felt the Planning Department had a responsibility to review petitions presented based on established criteria.

Planner William Vines appeared on behalf of the petitioner and reviewed a scale model showing the project both as permitted under the development agreement and under the proposed PD. He said that most affected would be the more westerly single family area of Seagate and Le Parc in Park Shore. With reference to the City Manager's memorandum asking the Council to deny based on consideration of property rights of others, Mr. Vines pointed out that taken to the extreme, this posture could freeze zoning for all time. Historically, Mr. Vines said, the Naples Cay zoning had been changed several times -- by the County and by the City after annexation. Mr. Vines urged approval of the PD petition as presented.

Public Input: 3:17 a.m.

Douglas Wood, Siesky & Pilon, attorney for Seagate resident Terry Byron

Mr. Wood said his client's property is at the end of Seahorse Drive across the water from Baypoint Condominium now under construction. Both this project and the proposed Naples Cay development would dwarf Mrs. Byron's home, he said, and took issue with the scale model presented by the petitioner as not accurately reflecting the situation faced by his client. Mr. Wood said, therefore, that it was not possible for the Council to think that the Naples Cay PD would not infringe on the rights of other property owners, particularly as it affects views enjoyed over many years.

H. M. Smith, 5164 Seahorse Avenue

Mr. Smith opposed the PD as presented and warned that allowing exceptions to height would set a precedent. He said the issue was purely economic and not of views or improved plans as previously described.

Ken Abernathy, 4200 Belair Lane, Park Shore Association

Mr. Abernathy cited his belief that people conduct their lives based upon reasonable expectations which in this case was to expect the City not to violate its Comprehensive Plan and approve buildings which would double the height of anything previously approved by the City.

Dick Portillo, 10 Seagate Drive

Mr. Portillo was not present when called.

Robert Mandel, 6637 Middlesex Place

As a property owner in Seagate and the holder of a master's degree in urban planning, Mr. Mandel said that Council was being asked to choose between two ill-conceived plans -- the current development agreement and the proposed PD. He recommended that the issue be tabled for a plan which better meets the needs of Seagate.

Thomas Salb, 20 Seagate Drive (Beach House #702)

Mr. Salb indicated that he spoke on behalf of the board of the Beach House in recommending approval of the new plan as resulting in less density, less traffic and more open space which he said would be beneficial to the Seagate community.

James Morgan, 10 Seagate Drive

Mr. Morgan said he had been a year-round resident of Naples Cay since early 1992. He said he and most of his neighbors were enthusiastic about the new plan and disputed the prior speaker who indicated that the proposed buildings would be too close to single family residences.

Barbara Bova, 3951 Gulf Shore Boulevard, North

As a former resident of Naples Cay, Ms. Bova said she felt that her entire southern view would have been obscured by the proposed buildings. She said the Council had a strong moral and legal right to reject the PD before them.

Gene Meldon, 4901 Gulf Shore Boulevard, North

He said that his law school background indicated to him that approval of the Naples Cay PD would constitute a taking of property from surrounding residents. He called it unjust, unfair and possibly illegal.

Trish Williams, 334 Pirates Bight

Ms. Williams indicated that she did not wish to speak when called.

Jane Earle, 4951 Gulf Shore Boulevard, North

Ms. Earle reminded Council Members that they were being asked to approve a development on an environmentally sensitive site. Naples Cay, she said, is unique because of its lowrise buildings; Park Shore, however, with its highrises is a totally different concept. The two are not compatible, she said, and urged the Council not to approve the Naples Cay PD.

Jane Oster, 70 Seagate Drive

As a resident of Villas Raphael, Ms. Oster said that the proposed PD would damage the aesthetic values and environment of the Naples Cay area.

Richard Oster, 70 Seagate Drive

Mr. Oster said that if approved the tallest building would be twice the height of any buildings he had understood would be built there when he purchased his apartment. He said he found it difficult to believe a statement at the Planning Advisory Board meeting that the majority of people in Naples Cay favored the project. He said that a survey he had done showed only four out of 35 responses from Beach House, Le Club and West Shore residents had been in favor.

James Brennan, 4951 Gulf Shore Boulevard, North

Mr. Brennan said that when he moved into his Le Parc apartment in 1990 he was told by the sales office that Parcels 7 and 8 would contain a mix of lowrise buildings and that now the ground rules had changed. He said he feared a decline in property values if the new plan were approved and noted a friend who was having difficulty selling his Le Parc apartment even after reducing the price by \$150,000.

Charles Pfister, 100 Seagate Drive

Mr. Pfister said he purchased his home in 1977 when few other residences were present in Seagate. He predicted that approval of the Naples Cay PD would set a dangerous precedent.

Michael Williams, 334 Pirates Bight, North

As a former resident of Naples Cay, Mr. Williams cautioned Council not to abrogate its responsibility and to require the developer to provide a plan that is more acceptable.

Marvin Katz, 10 Seagate Drive (Seapoint at Naples Cay)

Mr. Katz, who indicated that he had for 35 years been in residential development, called the proposed plan a "wonderful compromise," noting that he had opposed the plan in the development agreement.

Patricia Pistner, 10 Seagate Drive

Mrs. Pistner echoed the comments of the prior speaker, noting the PD proposed would result in less density and more open space.

Stephen Pistner, 10 Seagate Drive

Mr. Pistner indicated that he serves as vice-chairman of the Naples Cay master board and stated that he felt the residents of Naples Cay were fully in support of the PD. He said that many of the speakers had taken license with the facts.

Nick Long, 1541 Mandarin Road, representing Coquina Sands Association

Mr. Long cautioned that in the future many older condominiums like those in Coquina Sands would be ripe for redeveloped and that by approving the PD petition before them, the Council would be opening the door to other highrises where lowrise building had been.

Fran Stallings, Ph.D., Florida Wildlife Federation of Southwest Florida

A letter from Mr. Stallings was entered into the record by Nancy Payton representing the Wildlife Federation. (Attachment 4) This letter served to clarify Mr. Stalling's recommendation of approval based on progress by the project in relation to environmental issues.

In response to the scenario presented by Mr. Long, Council Member VanArsdale said he doubted that it was likely City Council would approve buildings not compatible with their surroundings.

Petitioner Thomas Bechnel urged Council to approve the proposed PD, citing that despite the fact that a development plan is in place, it does not mean that improvements cannot be made. He cited the staff and Planning Advisory Board recommendations for approval. He said that while much time had been spent looking back, it was the Council's responsibility to look forward as the ultimate authority to control change. Mr. Bechnel also disputed prior speakers who had indicated that the proposed highrise would obstruct their view, citing in particular the Le Parc building, of which he said only about 12% of the apartments would have a diminished view. He said that if the Council were to weigh property rights it should also take into consideration that Naples Cay would be a better, safer and more environmentally desirable place if the PD were approved.

It is noted for the record that City Clerk Marilyn McCord assumed duties as recording secretary from 5:06 p.m. until adjournment.

In further discussion Planning Director Missy McKim clarified that the 258 feet of structure does not include such things as antennas and air conditioning units and is measured from the first habitable floor level which could actually be 19 feet above ground.

Marsha Dykman, President of Seagate Association

When recognized, Mrs. Dykman indicated that in a survey of 90 Seagate residents, 78 responded and 47 were opposed to the plan.

Vice Mayor Korest said that he felt that there had been much improvement in the plan since the Council had first discussed the Naples Cay development agreement in November of 1994. He cited open space and reduced environmental impact and stated that while he sympathized with views expressed to the contrary, he said he believed that the PD as proposed was advantageous to the most people. **Vice Mayor Korest therefore moved for approval of the PD plan with staff recommendations, seconded by Council Member VanArsdale..** The following discussion then ensued.

Council Member Prolman said that while she agreed that the PD as proposed would reduce density, the Council also must carefully consider the impact of building height on a community which enjoyed the distinction of being set apart from other resort areas. Therefore, she said she could not accept the plan and cautioned that, if approved, other similar requests would be received.

Council Member Pennington observed that as a matter of precedent, the City Council had not deviated from the Comprehensive Plan in the past to approve buildings higher than 87 feet. He said he felt that approval would encourage developers to petition to rebuild existing properties. Council Member Tarrant agreed. Council Member VanArsdale said that while he had intended to vote against the plan, a compelling argument had been made with reference to expectations that condominiums would be built in Naples Cay. Mayor Muenzer said that seeing the scale model had

helped him determine that the proposed PD was acceptable and that he felt that viewing it would have won over some of those who are opposed. He said he felt approval would be in the best interests of the greatest number of people.

MOTION by Korest, to APPROVE the PD plan with staff recommendations; seconded by VanArsdale. This motion failed on a vote of 3-3 (Pennington, Prolman and Tarrant dissenting and Sullivan absent). City Attorney Maria Chiaro indicated that four affirmative votes were required for approval.

OPEN PUBLIC INPUT
None

CORRESPONDENCE and COMMUNICATIONS
Council Member Tarrant received clarification regarding reconsideration of previous approval funding for the FOCUS group. The City Attorney reviewed requirements for reconsideration set forth by City Council resolution which state that reconsideration must be requested by someone who voted in the majority.

ADJOURNED
6:15 p.m.

Paul W. Muenzer, Mayor

Marilyn A. McCord
City Clerk

Tara A. Norman
Deputy City Clerk

Jane Weeks
Administrative Assistant

Mary James
Administrative Assistant

These minutes of Naples City Council approved on 8/16/95.

Attachment 1
7/19/95 Regular Meeting

Supplemental Attendance List

News Media:

Michael Cote, Naples Daily
News
Jerry Pugh, Colony
Cablevision

Charles Andrews
Kim Kobza
Rev. Jim Honing
Fr. John Glaros
Werner Haardt
Gordon Kelly
Bonnie MacKenzie
James Rideoutte
David Rynders
Stephen DiDietro
John Asher
Amiel Villani
Ken Langeland
Amy Ferriter
George Fogg
Sue Nichols-Lucy
Christine Ramsey
Joe Delate
Al Somoza
Elizabeth Langston
Lea Brennan
Gene Cox

Valerie Nordin
Monica Cameron
Scott Cameron
Nancy Payton
Doug Wood
H. M. Smith
Ken Abernathy
Dick Portillo
Robert Mandel
Thomas Salb
James Morgan
Barbara Bova
Gene Meldon
Trish Williams
Jane Earle
Jane Oster
Richard Oster
James Brennan
Charles Pfister
Michael Williams
Marvin Katz
Patricia Pistner
Stephen Pistner
Nick Long
Dr. John Strohmeyer
J. Dudley Goodlette
Inge Johnstone
Valerie Norman

William Vines
Thomas Bechnel
Marsha Dykman