



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - August 16, 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 L. Sullivan
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Missy McKim, Planning Director
Dan Mercer, Utility Director
Flinn Fagg, Planner I
Robert Eagan, Dockmaster
Tara Norman, Deputy City Clerk
Pastor Larry Kling

New Media:

Jerry Pugh, Continental Cablevision
Michael Cote, Naples Daily News

See also Supplemental Attendance List
(Attachment 1)

INVOCATION and PLEDGE OF ALLEGIANCE ITEM 1

Pastor Larry Kling, Eagle's Nest Worship Center

ITEMS TO BE ADDED ITEM 3

City Manager Woodruff suggested that the following items be added to the agenda:

Item 21 - Interlocal agreement regarding sales surtax - Gordon River Bridge

Item 22 - Purchase of used fitness equipment - Police & Emergency Services

Item 23 - Interlocal agreement regarding funding for maintenance of Moorings Bay and Doctors Pass

**MOTION by Pennington to SET AGENDA and ADD THE ABOVE ITEMS;
seconded by Sullivan and unanimously carried, all members present and voting.**

CONSENT AGENDA

RESOLUTION 95-7489.....ITEM 10

A RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES MCEVOY TO FILL THE UNEXPIRED TERM OF JOHN REBLE ON THE FIREFIGHTERS' RETIREMENT TRUST FUND, EXPIRING 11/17/96; AND PROVIDING AN EFFECTIVE DATE. Title not read.

APPROVAL OF MINUTES.....ITEM 11

7/24/95 Budget Workshop; 7/25/95 Budget Workshop; 7/19/95 Regular Meeting; 7/31/95 Special Meeting; 7/31/95 Workshop

.....ITEM 12
CONSIDERATION OF A TEMPORARY USE PERMIT FOR STAGING THE 50TH ANNIVERSARY WORLD WAR II COMMEMORATIVE PARADE.

.....ITEM 13
CONSIDER DELEGATION OF SUFFICIENCY REVIEW OF THE CITY'S EVALUATION AND APPRAISAL REPORT (RELATIVE TO THE COMPREHENSIVE PLAN) TO THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL.

.....ITEM 14
CONSIDER DIRECTING STAFF TO REQUEST A SIX-MONTH EXTENSION FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS IN WHICH TO ADOPT COMPREHENSIVE PLAN AMENDMENTS BASED ON THE EVALUATION AND APPRAISAL REPORT.

.....ITEM 15
AUTHORIZATION FOR STAFF TO ISSUE A COASTAL CONSTRUCTION SETBACK LINE PERMIT TO CONSTRUCT A SWIMMING POOL, KOI POND, DECK AND LANDSCAPING AT 61 12TH AVENUE SOUTH.

.....ITEM 16
AUTHORIZATION TO PURCHASE 2 ABOVE-GROUND DIESEL FUEL STORAGE TANKS AT COVE STORM PUMPING STATION AND PUBLIC WORKS STORM

PUMPING STATION. VENDOR: FLORIDA REMEDIATION SERVICES, TAMPA, FLORIDA / TOTAL PRICE: \$16,995 / FUNDING: CIP PROJECT #95X19

.....**ITEM 17**
AUTHORIZATION TO EXTEND FOR THREE YEARS A CONTRACT FOR UNIFORM RENTAL. VENDOR: NATIONAL UNIFORM SERVICE, FT. MYERS, FLORIDA / ESTIMATED ANNUAL EXPENDITURE: \$35,100 / FUNDING: DEPARTMENTAL OPERATING BUDGETS.

RESOLUTION 95-7490.....ITEM 18
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. ONE TO TASK ORDER NO. HMA 10-93, TO PROVIDE FOR ADDITIONAL SERVICES REQUIRED FOR THE WATER TREATMENT AND POTABLE WATER DISTRIBUTION SYSTEM EVALUATION ATTACHED HERETO, BETWEEN THE CITY OF NAPLES AND HOLE, MONTES & ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.

.....**ITEM 19**
AUTHORIZATION TO TRANSFER \$2,500 FROM A CONTINGENCY ACCOUNT FOR START-UP COSTS OF MAIL BALLOT ANNEXATION ELECTIONS.

RESOLUTION 95-7491.....ITEM 20
A RESOLUTION GRANTING FOUR (4) TEN FOOT WIDE EASEMENTS TO FLORIDA POWER & LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES AT THE NAPLES MUNICIPAL AIRPORT; AND PROVIDING AN EFFECTIVE DATE.

MOTION by Pennington to APPROVE all items on Consent Agenda; seconded by Sullivan and carried 7-0, all members present and voting.

ANNOUNCEMENTS.....ITEM 4
Andrea Clarke Brown, architect and designer of the Naples Players Community Theater and Plaza presented the 1995 Unbuilt Design Award to the City of Naples.

Mayor Muenzer congratulated Captain Fred White on his 84th birthday. Captain White is very active in the Moorings Bay Taxing District and a veteran of Pearl Harbor.

ORDINANCE (First Reading)..... ITEM 5-A
AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM "LOW DENSITY RESIDENTIAL" TO "PUBLIC AND SEMIPUBLIC INSTITUTIONAL" FOR PROPERTY LOCATED AT 800 BANYAN BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AND EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff explained that this item dealt with a small scale comprehensive plan amendment and rezoning. If approved on the first reading, a conditional use resolution would be a part of the second reading. Planning Director Missy McKim described the request of the property owner, Grace Lutheran Church, to utilize an adjacent single family residence as a child care center. The staff recommended denial of all three petitions. In making its recommendation, the staff relied on the comprehensive plan's prohibition of commercial encroachment into single family

neighborhoods in that any use more intense than single family residential is an encroachment. Ms. McKim reminded the Council that a day-care center is a commercial operation. Using overhead transparencies, Ms. McKim illustrated the location of the subject property and its proximity to other single family residential property. After reviewing and hearing the petition, the Planning Advisory Board voted 6-0 to deny the request.

In compliance with state law and City policy, City Attorney Chiaro asked Council to disclose any ex parte communications they had with the petitioner or others regarding this petition. Mayor Muenzer reported conversations with Attorney Kim Kobza (solely regarding the request for a continuance) and brief discussions with Scott Cameron and Nicholas Long, president of the Coquina Sands Association. Vice Mayor Korest also reported brief conversations with Messrs. Cameron and Long. Council Member VanArsdale said he spoke briefly with a Mr. Freche and Mr. Cameron. Council Member Sullivan disclosed conversations with Messrs. Long, Freche and David Benson. Council Member Prolman noted a brief conversation with Messrs. Cameron and Long. Council Member Pennington reported conversations with Mr. Cameron and minor discussions with other individuals. Council Member Tarrant also reported conversations with Messrs. Cameron and Long. City Attorney Chiaro said she discussed the continuance with Mr. Benson and reported an encounter at her residence with an unidentified woman who favored the petition. Ms. Chiaro told the woman that she could not discuss the matter. City Manager Woodruff reported conversations with Messrs. Benson, Cameron, Freche, and Attorney Kobza, as well as Council Member Sullivan and Planning Director Missy McKim.

The City Manager presented additional information for the Council's consideration including the locations and zoning of the 16 religious establishments in the City and distinguished those offering weekly child care. Fourteen are west of U.S. 41 in subdivisions similar to the one at issue demonstrating that encroachment by churches into residential areas is common. If the property in question were rezoned to Public Service, there could be only uses permitted by Council, however, with a conditional use there need be only substantial compliance as determined by the City Council. He stressed, however, that the Council can be as specific or as general as it desires regarding a conditional use. Future expansion can be prohibited or limited with compatibility to adjoining properties a major issue. Vice Mayor Korest noted that Dr. Woodruff's information had not been heard by the Planning Advisory Board and questioned whether the Board would then have voted differently. Dr. Woodruff, however, noted that both he and the Planning Advisory Board are advisory to Council. Discussion among the Council Members confirmed that the purpose of the rezoning was merely to permit a conditional use since no conditional uses are allowed in single family residential areas. To rezone from R1-15 to PS would require a comprehensive plan amendment.

Attorney Kim Patrick Kobza, representing the petitioner, described their proposal and noted that of the 80 children already approved to attend their present facility, only 45 would actually attend pre-school in the subject residence. Attorney Kobza reminded the Council that the subject residential property has been utilized as a parsonage since 1973 with no impact on the neighborhood and that the property directly west was acquired as the new parsonage. He assured Council that the church would agree to all reasonable stipulations imposed. Reverend James H. Honig, Pastor of Grace Lutheran Church, described the ministry of his church as serving both the church family and the community by offering children a solid foundation. In response to inquiries from Council, Reverend Honig stated the issues behind their request: 1) Safety (the playground is located next to a golf

course); and 2) Limitations of dual purpose facilities (pre-school rooms must be dismantled and used for church school on Sunday, then reset for pre-school). He confirmed for the Council that the subject property would not be used for Sunday church school and that, at best, the church hoped to break even. Reverend Honig then showed a video tape displaying the site conditions of Grace Lutheran and other churches. Reverend Honig explained that no changes were planned for the exterior of the home. The backyard of the property, which already contains a tall, thick hedge, would be used as the playground. The video also described the location of the proposed pre-school drop-off and pick-up of the children as being the present church parking lot, and stated that the church was willing to eliminate the driveway in front of the new facility and would provide additional buffers, if required. Vice Mayor Korest confirmed that the Planning Advisory Board had not viewed the video.

Robert Duane, of Holes-Montes and Associates, spoke on behalf of the petitioner. He stated that churches have historically been permitted in the neighborhoods they serve and the conditional use procedure alone would provide adequate safeguards. Mr. Duane also said he did not feel the policy discouraging expansion of new commercial or industrial developments into residential neighborhoods applied to the church. He stressed that a more relevant criteria would be whether the use is compatible.

Sandy Oswald, Chairman of the Church Board of Education, described the pre-school as a way to minister to the community through its children. David Benson, Vice President of Grace Lutheran Church, reiterated reasons for moving the pre-school and noted that when the new property was purchased, it was represented to the congregation that the pastor would move into that home as an additional buffer for the neighborhood. Mr. Benson said the church had invested over \$1.5 million in the neighborhood.

City Attorney Chiaro reminded Council that it is only dealing with the issues of the amendment to the Comprehensive Plan and the change in zoning at this meeting. If those two elements were approved, the conditional use could also be heard at the next meeting, even though it could not be effective until approved by the Department of Community Affairs. Ms. McKim suggested that rather than trying to define the use, the Council should consider whether the use threatens the stability and integrity of the single family area. Ms. McKim also noted that the petition before the Council had been amended and is considerably narrower than when first submitted, and confirmed that the Planning Advisory Board made its decision based on the amended petition. City Attorney Chiaro also clarified that while the comprehensive plan breaks down different types of residential properties and what should be adjacent, it does not offer language regarding low-density residential.

Public Input: (11:34 a.m.)

Delores Robinson, 2030 River Reach Drive

Mrs. Robinson stated that she is a member and the treasurer of Grace Lutheran Church and described the church as well maintained and architecturally pleasing. She said that the church has always considered the welfare of the community and any growth or change to the church had always enhanced the property.

Millie Frank, 2284 Crayton Road

Although registered, Ms. Frank was not present to speak when called.

Joe Hovland, 1333 Mandarin Road

Mr. Hovland stated that he has been in the real estate business for 38 years and lives approximately 200 feet from the proposed facility. He maintained that, in his profession opinion, the proposed child care facility would not depreciate the value of other homes in the area. He suggested that Council consider factors such as traffic, aesthetics, and necessity before making its decision. Mr. Hovland read a letter from Attorney Richard Vogel, whose children had attended the pre-school, commending the church's pre-school program. Mr. Hovland stated that there were many untrue rumors regarding the church's proposal and cautioned Council not to take the petition circulated in the community at face value. Mr. Hovland also read a letter from Phil Wood, president of John R. Wood & Associates, Realtors, stating only adjacent property would be affected by the pre-school (the golf course and the new parsonage).

Lou Juracek, 6559 Ridgewood Drive

Mr. Juracek said he was the Chairman of the Board of Elders for Grace Lutheran Church. He explained that he had compared 11 churches in Naples and Grace Lutheran ranked 10th in the amount of space utilized. He maintained that Grace Lutheran has diligently managed its growth over the past 39 years so as not to needlessly encroach and absorb residential property. During the week of April 2, 1995, he said he visited 11 of the 17 residents living within 500 feet of the proposed pre-school and all 11 supported the pre-school.

Barbara Goodof, 803 Banyan Blvd.

Mrs. Goodof stated that she lives directly across the street from the existing parsonage. Although she supported the pre-school in April, she does not support it now. She read a letter from Attorney Robert Rogers, who owns the property on the corner of Banyan Blvd, opposing the proposal.

Robert Rogers, Esq., 1221 Pine Court

Although registered, Mr. Rogers was not present to speak when called.

Scott Cameron, 690 Banyan Circle

Mr. Cameron stated that it was unfortunate that those opposed to this request were made to look anti-church and anti-children. He maintained that Grace Lutheran is a commercial enterprise and noted that schools and child care centers are a permitted conditional use under Highway Commercial and C-2 General Commercial zoning. He contended that the comprehensive plan and the character of a low-density neighborhood should not be changed for the church's convenience. He stated that the reduction from 80 to 45 students is not an issue since the present facility remains well below capacity. He reminded Council that only two years have passed since the church received the conditional use for the present pre-school and expressed concern as to what could happen if the comprehensive plan is amended. He pointed out that the eight letters written to Council in support of the petition were from the congregation and not the neighbors. He said that the Planning Advisory Board knows the code and considered it when they voted 6-0 to deny the petition.

Monica Cameron, 690 Banyan Circle

Mrs. Cameron stated that she was speaking on behalf of the 45 Coquina Sands residents who signed the petition opposing this request. She questioned to need to increase Grace Lutheran pre-school enrollment when other schools in the area have vacancies; over 700 pre-school children can be accommodated in the facilities between 8th Avenue South and Park Shore Drive. She also stated the Coquina Sands Association is opposed to a comprehensive plan amendment. She took exception to

the church representative's claim that a pre-school was the only use considered when the original petition contained many more requested uses.

Gordon M. Kelley, 711 Banyan Blvd.

Mr. Kelley stated that he lives across the street from Grace Lutheran Church and is opposed to any changes in the comprehensive plan and existing zoning. He said that zoning laws are enacted to maintain the integrity of neighborhood and the church's proposal has the potential of substantially changing that character by opening the door to future expansion and use.

Loran F. Kelley, 711 Banyan Blvd.

Mr. Kelley stated that although he has great admiration for the church and what it stands for, the question is zoning and he strongly objects to any change in the zoning law.

Barbara K. Gamble, 740 Banyan Blvd.

Ms. Gamble stated that she lives adjacent to the house recently purchased by Grace Lutheran Church and completely agrees with the comments made by Monica Cameron.

Lorenzo Walker, 720 Banyan Blvd.

Mr. Walker stated that he has been a resident of Naples since 1920 and a member of the Naples Area Boards of Realtors since 1953. He said one of the things that gives Naples its quality of life and quality of construction is its zoning which has changed very little since the late 1940's. Mr. Walker expressed his concern that, in the future, the property will be more commercialized than a day-care. He stated that he is opposed to any change in the master plan.

Marguerite L. Walker, 720 Banyan Blvd.

Although registered, Mrs. Walker declined to speak when called.

Marian Connell, 775 Banyan Blvd.

Ms. Connell stated that most of the neighborhood's concerns deal with the change in zoning and how it can open to door to more change.

John L. Connell, 775 Banyan Blvd.

Mr. Connell expressed agreement with his other neighbors who opposed to the church's request.

Lucille Difloe, 689 Banyan Blvd.

Although registered, Mrs. Difloe declined to speak when called.

Joseph S. Platte, 725 Pectin Road

Mr. Platte stated that the neighbors are not against a day-care center since they had approved of the center currently in the church but are opposed to making a change in the comprehensive plan in order to give the church something it already has.

Richard Hoddinott, 692 Banyan Blvd.

Mr. Hoddinott opposed the request for the reasons already stated. He observed that a giant step for public service could be a step backward for residential areas and also expressed his concern about increased traffic.

Nicholas Long, 1541 Mandarin Road

Mr. Long, president of Coquina Sands Association, corrected an earlier statement that the Association was opposed to any rezoning to PS. The board had subsequently changed its vote subject to compromise limiting use. He stated that the issue was fear of change to the neighborhood.

In response to Mr. Long, Planning Director McKim stated that there have been very few changes to the comprehensive plan and it is usually done to bring the future land use map into compliance. Mr. Long cited the neighbors' fears that rezoning would open the door for such uses as a half-way house, refugee resettlement center, or shelter for abused woman. He urged the Council to look for compromise in this matter.

Public Input Closed: 12:50 p.m.

Attorney Kobza addressed the public statements by clarifying that there were serious safety issues behind the proposed amendment and that it was not solely for the convenience of the church. Regarding the fear that rezoning will open the door to unwanted uses, he pointed out that the proposed zoning is one of the most restrictive and reiterated that the proposed stipulations were acceptable to the church. Attorney Kobza then referred to the future land use map and noted locations where PS designations are in low density residential areas. He reminded Council that the pre-school is an accessory use in conjunction to the church and the approval of this use would be consistent with comprehensive plan objectives.

Council Member Pennington stated that the issue is zoning and not the desirability of a child-care center. He said, historically, Naples has protected single-family zoning districts by not permitting conditional uses. While admitting the amendment procedure could be burdensome, he suggested that this burden may be intentional. He explained that although the conditional use provides some degree of protection, once the property is rezoned to public service, future conditional use changes are more readily available. Mr. Pennington said the church currently provides a day-care on the church property, well below capacity; albeit with some inconvenience.

MOTION by Pennington to DENY this ordinance on first reading; seconded by Korest. Following the discussion which appears below, this motion carried 4-3 (Sullivan, VanArsdale and Muenzer dissenting), all members present and voting.

For the record, Council Member Tarrant expressed his dismay at how is it now the norm for mothers to work and child-care centers to raise their children. Council Member Sullivan summarized the issue as allowing a benign use, currently in effect in a church, to move into a single family area. He stated he was comfortable with the conditions and restrictions that could be placed on the use and that he did not view it as commercial but as a ministry. Recognizing the fear expressed by the neighbors, he nevertheless stated that he did not feel it would in any way disturb the neighborhood. Vice Mayor Korest stated that the Planning Advisory Board is primarily responsible for land planning and stressed that when it votes unanimously to deny a request, it is a very important statement. Mr. Korest said that he did not feel this was a ministry issue but an issue of land use. He explained that he was in favor of the church's present pre-school but there are constraints to the degree it should expand. Council Member Prolman stated that although she did not feel the church's activities, including day-care, would do anything to denigrate the neighborhood, she viewed preservation of the neighborhood, including its size, as preeminent. She also stated that the current day-care facilities were adequate. Council Member VanArsdale expressed concern about the blanket provision in the comprehensive plan which protects residential neighborhoods at all costs. While he said he is very sensitive to neighborhood issues, he did not feel this use, with the

conditions imposed, would change the area. He contended that the day-care would have been a positive addition to the neighborhood and that fear of the church opening half-way house was unrealistic. Mayor Muenzer stated that he was not generally in favor of comprehensive plan changes and intrusions into residential areas but felt that the conditions and restrictions that could be placed on this property would offer sufficient protection. He added that by approving the petition, the maximum number of children attending the pre-school could have been reduced and the quality of the facility enhanced.

ORDINANCE (First Reading).....ITEM 5-B
AN ORDINANCE APPROVING REZONE PETITIONER 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.

This item was not considered due to denial of the ordinance in item 5-A above.

RESOLUTION 95-7492.....ITEM 6
A RESOLUTION GRANTING CONDITIONAL USE PETITION 95-CU13, IN ORDER TO
PERMIT A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES FOR
AN EXPANSION OF THE BUILDING AT 390 BROAD AVENUE SOUTH, MORE
PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EXPIRATION DATE
AND AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff.

Referring to the staff report, Planning Director Missy McKim explained this was a request to reduce the required parking spaces in order to accommodate expansion of an existing building (A copy of this report is contained in the file for this meeting in the City Clerk's office.) Ms. McKim noted that the current parking lot is not fully utilized and stated that the staff recommends approval with the following conditions: 1) that it be limited to the current tenants; and 2) the use be modified in accordance with a parking needs analysis and other conditions as stated in the resolution as presented. Stephen Farrington, the petitioner and owner of the property, stated he has a tenant in his building in need of additional space. The easiest way to add that space is to expand into the garage. He said that there would be no change in the outward appearance of the building. Mr. Farrington also noted that on the busiest days, the parking lot is never full and there were also parking spaces in front of the building.

Public Input: None (2:15 p.m.)

MOTION by Pennington to ***APPROVE*** Resolution 95-7492 as submitted;
seconded by VanArsdale and unanimously carried, all members present and
voting.

ORDINANCE (First Reading).....ITEM 7
AN ORDINANCE ADOPTING SMALL SCALE COMPREHENSIVE PLAN
AMENDMENT 95-CPASS3 AMENDING THE COMPREHENSIVE PLAN FUTURE LAND
USE ELEMENT TO PERMIT A PROFESSIONAL USE IN CONJUNCTION WITH THE
SINGLE FAMILY RESIDENTIAL USE FOR PROPERTY LOCATED AT 395 6TH
STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING
AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Planning Director Missy McKim explained that when this item was previously before Council, staff

was directed to expand the language to be added to the comprehensive plan. She stated that this is the first reading of the ordinance with the new language. She reminded Council that the petitioner's original request was for a small scale comprehensive plan amendment from medium density residential to limited commercial to allow for redevelopment of the property. At the first reading, both staff and the Planning Advisory Board recommended denial, however, Council requested language permitting professional use in conjunction with single family residential. Council Member Pennington expressed concern that this amendment would exist into perpetuity and that it could be considered spot zoning. City Manager Richard Woodruff stated that since the City never took the steps to change the zoning to comply with the comprehensive plan designation of multi-family, the property owners should be able to rely on the present zoning. Ms. McKim stated that the staff felt comfortable with the proposed language since it is a very limited use and specific to one property which could be considered an oddity being it is surrounded by commercial and multi-family.

Wafaa Assaad, representing the petitioner, Alessandra Higgs, stated that the comprehensive plan had created a non-conformity which now prohibits the owner from obtaining a mortgage, title insurance, building permit or occupancy permit. Mr. Assaad reminded Council that the location and size of the property precludes any large commercial building. Mrs. Higgs is merely requesting that the comprehensive plan be changed to conform with zoning. To permit a limited professional use, Mrs. Higgs is willing to submit to the language proposed by staff with the exception of the language restricting employees.

Planning Director McKim stated that this block was considered a buffer utilizing multi-family between single family and commercial uses. The use proposed would be less intense than multi-family. Council Member Prolman expressed concern that owners of other single family residences in that block may desire the same, but Council Member VanArsdale stated that the proposal provides a good buffer between commercial and multi-family.

Public Input: None (2:56 p.m.)

MOTION by VanArsdale to APPROVE this Ordinance as proposed striking the line in Section 2 that states "no staff may be employed who do not reside on site;" seconded by Sullivan. Following the discussion which appears below, this motion was approved 5-2, all members present and voting (Korest and Prolman dissenting).

Vice Mayor Korest clarified that this action would not result in a conditional use which Council could revisit if it proved not to be compatible with the neighborhood. Ms. McKim stated only an occupational license would be issued and cautioned this license would not restrict the hours of operation or the number of employees on site. Mr. Assaad, however, pointed out that before an occupational license can be issued, a site plan, parking, and other elements must be approved. Dr. Woodruff stated, for the record, that he has known Wafaa Assaad for many years and his previously stated position on this matter was based solely on the owner's reliance on the current zoning not on a relationship with Mr. Assaad. Ms. McKim explained the procedure wherein the staff would return a petition for the Council to rezone the property to R3-12, and any specific conditions would not be in the zoning but in the comprehensive plan. Vice Mayor Korest and Council Members Pennington and Sullivan expressed their reservations about this motion but stated that the owner should be able to rely on the current zoning. Council Member Prolman warned that relaxing the limitation on employees could cause problems.

RESOLUTION 95-7493.....ITEM 9
A RESOLUTION OF THE MAYOR AND COUNCIL ADOPTING THE NEIGHBORHOOD
TRAFFIC MANAGEMENT PROGRAM MANUAL DATED JULY, 1995, AND
PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff.

Public Input: (3:12 p.m.)

Kim Case, 389 Central Avenue

Ms. Case applauded the Neighborhood Traffic Management Program. She noted the changes planned for Central Avenue 1) replace ficus trees with palm trees; 2) narrow the street to a boulevard type road; and 3) implementation of the neighborhood traffic management program. She asked Council to work with the County so Central Avenue could be viewed as a whole thereby bringing the neighborhood together. Council Member Pennington stated that a meeting could be planned for neighbors to discuss their concerns.

In response to Council Member Tarrant's question, Jeff Perry, Metropolitan Planning Organization Coordinator, explained how the M.P.O. generally focuses on long range transportation network needs and some public transportation needs, however, this is the M.P.O.'s first effort in dealing with transportation needs at the local level. Mr. Perry then explained how the Model Neighborhood Traffic Management Program would provide a systematic procedure whereby the staff can work with the community to resolve traffic problems. Anita Chapman showed slides illustrating M.P.O. staff's research into traffic calming procedures and reiterated the goal of the program to mitigate the negative impact of automobile traffic on residential neighborhoods. She then explained procedures and possible solution techniques to Council. Jeff Perry explained to Council how similar programs in other cities have been staffed and funded. He stated that once created, they become very good tools in the community and assured Council that it would not go unused. Mr. Perry said existing staff resources and budgets should handle the program over the first year; after that, Council could determine further funding. Dr. Woodruff pointed out that such improvements qualify for special assessment funding.

Public Input (3:43 p.m.)

Chris Straton, 1441 Gulf Coast Drive

As a member of the Traffic Calming Task Force, Mrs. Straton applauded the City for its leadership role and referred to the work done on Crayton Road as the first successful traffic calming technique. Dr. Woodruff pointed out that some of the traffic controlling techniques described in the presentation were successfully used on both Seventh Avenue North and Crayton Road. He also stated that \$100,000 is set aside in the proposed budget.

MOTION by Korest to APPROVE Resolution 95-7493 as submitted; seconded by Prolman. Following the discussion which appears below, this Resolution was approved 6-1 (Tarrant dissenting).

Council Member VanArsdale asked Dr. Woodruff to further investigate long-term funding and questioned whether neighborhoods should bear the cost burden for a problem that they did not create. Dr. Woodruff responded that future funding for this program would most likely be through gas tax revenues.

RESOLUTION 95-7494.....ITEM 8
A RESOLUTION APPROVING AN OPERATING PLAN FOR A LANDSIDE FACILITY

RESTRICTED TO CHARTER BOAT OPERATIONS AT THE CITY DOCK, LOCATED AT 880 12TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff.

City Manager Woodruff stated that this was a request to operate restricted charter boats at the City Dock. In accordance with City Ordinance, the City of Naples, as petitioner, is requesting approval of its operating plan. Planner Flinn Fagg described the operating plan. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) He explained that 2 of the 84 slips would be reserved solely for the use of restricted charter boats and 3 parking spaces in the City lot designated to the charter boat passengers. The Dockmaster will maintain a record on each restricted charter boat and have a copy of the occupational license, registration, insurance, and captain's license on file. Mr. Fagg stated that both the staff and the ad hoc charter boat committee have recommended approval.

Public Input: None (3:59 p.m.)

MOTION by Sullivan to APPROVE Resolution 95-7494, seconded by Pennington and unanimously carried, all members present and voting.

RESOLUTION 95-7495.....ITEM 21

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AND SIGN AN INTERLOCAL AGREEMENT, AS ATTACHED HERETO AND MADE A PART HEREOF, BETWEEN COLLIER COUNTY, THE CITY OF NAPLES AND THE CITY OF EVERGLADES FOR DISTRIBUTION OF THE LOCAL GOVERNMENT INFRASTRUCTURE SALES SURTAX FOR THE SECOND GORDON RIVER BRIDGE PROJECT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

Public Input: None (4:00 p.m.)

MOTION by Korest to APPROVE Resolution 95-7495, seconded by Sullivan and unanimously carried, all members present and voting.

.....ITEM 22
AUTHORIZATION TO PURCHASE FITNESS EQUIPMENT FOR POLICE & EMERGENCY SERVICE WELLNESS PROGRAM.

Public Input: None (4:01 p.m.)

MOTION by Pennington to authorize the PURCHASE OF FITNESS EQUIPMENT FOR POLICE & EMERGENCY WELLNESS PROGRAM, seconded by Sullivan and unanimously carried, all members present and voting.

RESOLUTION 95-7496.....ITEM 23

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COLLIER COUNTY WHICH WILL RECOGNIZE THE RESPONSIBILITIES FOR FUNDING THE MAINTENANCE OF THE MOORINGS BAY SYSTEM AND DOCTORS PASS AND ITS APPROACHES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff.

City Manager Woodruff stated that the County concurs with this agreement and adoption of this Resolution establishes the County's responsibility for funding. He stated that the millage rate for the Moorings Bay/Venetian Bay area would then be reduced.

MOTION by Korest to APPROVE Resolution 95-7496, seconded by Sullivan and unanimously carried, all member present and voting.

OPEN PUBLIC INPUT

None.

CORRESPONDENCE and COMMUNICATIONS

City Manager Woodruff stated that the City of Naples has been awarded two grants from the Florida Energy Efficient Water Project Grant Program to convert high service pumps and blower motors making the City eligible for a 50% grant of \$14,550. Dr. Woodruff stated that this would also substantially reduce the power costs.

Council Member Pennington outlined the parade schedule for September 2, 1995 (see agenda item 12).

ADJOURN

4:07 p.m.

Paul W. Muenzer, Mayor

Marilyn A. McCord
City Clerk

Tara A. Norman
Deputy City Clerk

Virginia A. Neet
Administrative Assistant

These minutes of Naples City Council approved on 9/20/95.

Attachment 1
8/16/95 Regular Meeting

Supplemental Attendance List

Andrea Clarke Brown
Kim Patrick Kobza, Esquire
Robert Duane
Sandy Oswald
Werner Haardt
Delores Robinson
Joe Hovland
Lou Juracek
Barbara Goodof
Scott Cameron
Monica Cameron
Gordon Kelley
Loran Kelley
Barbara Gamble
Lorenzo Walker
Marguerite Walker
Marian Connell
John L. Connell
Lucille Difloe
Joseph Platte
Richard Hoddinott
Nicholas Long
Kim Case
Chris Straton
Bonnie MacKenzie



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City Council Regular Meeting

August 16, 1995

Convened 9:00 a.m. / Adjourned 4:07 p.m.

ADJOURN

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| APPROVAL OF MINUTES - Item 11 | |
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| CITY'S EVALUATION AND APPRAISAL REPORT - Item 13 | |
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| COMPREHENSIVE PLAN AMENDMENTS - Item 14 | |
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| Naples Municipal Airport..... | 3 |
| FITNESS EQUIPMENT - Item 22 | |
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| INVOCATION and PLEDGE OF ALLEGIANCE - Item 1 | |
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| RESOLUTION 95-7489 - Item 10 | |
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