



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - September 20, 1995

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
William Harrison, Assistant City Manager
Missy McKim, Planning Director
Ron Lee, Planner III
Dr. Jon Staiger, Natural Resources Mgr.
Tara Norman, Deputy City Clerk
Virginia Neet, Administrative Assistant
George Henderson, Sergeant-at-Arms
Reverend Ron Walter
James Rideoutte
Charles Andrews
Werner Hardt
Bonnie MacKenzie
Duke Turner
Michael Watkins
Henry Watkins

Donald Pickworth
Terry Lewis
Chris Ott
Lu Drackett
Bolton Drackett

Media:

Jerry Pugh, Continental Cablevision
Michael Cote, Naples Daily News

ALLEGIANCE

The Reverend Ron Walter, Emmanuel Lutheran Church

**INVOCATION and PLEDGE OF
ITEM 1**

ITEMS TO BE ADDED ITEM 3

City Manager Richard Woodruff requested the following item be added to the agenda:

Item 28 (First Reading) Ordinance Revising Rates for Stormwater Management Utility Fees

***MOTION by Sullivan to SET AGENDA and ADD ITEM 28; seconded by
Korest and unanimously carried, all members present and voting.***

CONSENT AGENDA

APPROVAL OF MINUTESITEM 23

August 16, 1995 Regular Meeting; September 6, 1995 Regular Meeting

RESOLUTION 95-7514.....ITEM 24

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN
INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER
COUNTY WHICH PROVIDES GRANT FUNDS FOR EMERGENCY MEDICAL
SERVICES; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

.....ITEM 25

**AWARD OF BID FOR IRRIGATION SYSTEM COMPONENTS USED IN ROUTINE
REPAIRS AND LANDSCAPING PROJECTS.** Various Vendors / Estimated Annual
Expenditure \$48,513.00 / Funding: Operating and capital improvement project accounts.

.....ITEM 26

**AUTHORIZATION TO PURCHASE UNDER GENERAL SERVICES ADMINISTRATION
CONTRACT A COMPACT HYDRAULIC EXCAVATOR FOR INSTALLING AND
REPAIRING WATER LINES AND WATER METERS.** Vendor: Naples Rent-All & Sales,
Naples, Florida / Price \$23,616.00 / Funding: CIP Project 95L07.

.....ITEM 27

**AWARD OF BID FOR ANNUAL PRICING FOR AUTOMOTIVE OIL CHANGES,
LUBRICATIONS AND ROUTINE FUNCTION CHECKS.** Vendor: Supreme Auto, Naples,
Florida / Cost per service \$17.59.

***MOTION by Pennington to APPROVE Consent Agenda Items 23-27; seconded by
Sullivan and unanimously carried, all members present and voting.***

END CONSENT AGENDA

ORDINANCE (First Reading).....ITEM 14

**AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT PETITION 95-
CPA2 AMENDING THE TEXT WITHIN THE CITY OF NAPLES COMPREHENSIVE
PLAN TRAFFIC CIRCULATION AND CAPITAL IMPROVEMENT ELEMENTS TO
RECOGNIZE THE SECOND GORDON RIVER BRIDGE CROSSING; AND PROVIDING
AND EFFECTIVE DATE.** Title not read.

Mayor Muenzer stated that this land use amendment would not be necessary if the September 26,

1995 tax referendum is not approved.

Public Input: None (9:08 a.m.)

MOTION by Sullivan to ***CONTINUE*** this item to the October 4, 1995 Regular Meeting; seconded by Pennington and unanimously carried, all members present and voting.

ANNOUNCEMENTSITEM 4

City Manager Richard Woodruff reminded the public that second readings to consider ordinances adopting the budget for the next fiscal year would take place at the Special Council Meeting scheduled for September 21, 1995 at 5:05 p.m.

ORDINANCE 95-7515.....ITEM 19

AN ORDINANCE APPROVING REZONE PETITION 95-R10, IN ORDER TO REZONE A 1.85 ACRE PORTION OF THE NAPLES BEACH HOTEL GOLF COURSE, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R1-15" SINGLE-FAMILY RESIDENTIAL TO "PD" PLANNED DEVELOPMENT, IN ORDER TO ACCOMMODATE THE DEVELOPMENT OF A TENNIS FACILITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Public Input: None (9:11 a.m.)

MOTION by Sullivan to ***ADOPT*** Ordinance 95-7515 on second reading; seconded by VanArsdale and unanimously carried, all members present and voting.

RESOLUTION 95-7516.....ITEMS 17 & 18

A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A TOE-SCOUR REVETMENT IN FRONT OF A CONCRETE SEAWALL AT 4444 AND 4500 GORDON DRIVE, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Natural Resources Manager Jon Staiger stated these applications have received permits from the Army Corps. of Engineers and the Department of Environmental Protection. Dr. Staiger explained how the owners of the two properties wish to install a toe-scour revetment in order to protect a common seawall. He described the area as vulnerable to further beach erosion and stated the property owners were willing to provide a pedestrian walkway as required by the City. Council Member Pennington suggested amending the resolution to require signage to clarify it is public walkway. Council Member VanArsdale questioned why it is the property owner's responsibility to provide a public walkway. Dr. Staiger explained this is required only when the revetment impedes pedestrian access. He further clarified that the proposed revetment would be 300 feet long and extend 12 feet from the face of the seawall.

Brett Moore, of Humiston & Moore Engineers, spoke on behalf of the petitioners and stated the

northern end of the revetment would be buried, however, most of the rock at the southern end would be exposed.

Public Input: None (9:27 a.m.)

MOTION by Pennington to **APPROVE** Resolution 95-7516 **AS AMENDED** to require public signage; seconded by Sullivan and unanimously carried, all members present and voting.

RESOLUTION 95-7517.....ITEM 5
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO ADD A BEDROOM AND AN OPEN WOOD DECK ON THE SOUTH SIDE OF AN EXISTING RESIDENCE AT 30 SEVENTH AVENUE SOUTH, SEAWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff referred to the staff's report which recommended approval. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Public Input: None (9:29 a.m.)

MOTION by Pennington to **APPROVE** Resolution 95-7517 as submitted; seconded by Sullivan and unanimously carried, all members present and voting.

RESOLUTION 95-7518.....ITEM 6
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A SWIMMING POOL/SPA ON THE NORTH SIDE OF THE PROPERTY, TO ERECT A PRIVACY WALL ALONG THE NORTH PROPERTY LINE, TO CONSTRUCT A FOUNTAIN AGAINST THE WALL, AND TO MODIFY THE PREVIOUSLY-PERMITTED LANDSCAPE AND DRIVEWAY PLAN TO ACCOMMODATE THE POOL/SPA, AT 4500 GORDON DRIVE, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff referred to the staff's report which recommended approval of this petition. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Council Member VanArsdale questioned the location of the pool/spa equipment and whether noise would disturb adjacent residents. Natural Resources Manager Jon Staiger explained how the neighbor has been involved in planning the pool/spa and was aware of its location. Dr. Staiger also stated there is sufficient distance between the equipment and the adjacent home for noise not to be a problem.

Public Input: None (9:35 a.m.)

MOTION by Pennington to **APPROVE** Resolution 95-7518 as submitted; seconded by Sullivan and unanimously carried, all members present and voting.

ORDINANCE 95-7519.....ITEM 20A
AN ORDINANCE AMENDING DIVISION 3, SECTIONS 2-171 AND 2-172; DIVISION 6, SECTION 2-227 OF ARTICLE IV, DEPARTMENTS, OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; ADDING DIVISION 7, SECTIONS 2-228 AND 2-229 OF ARTICLE IV, DEPARTMENTS, OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND AMENDING SECTION 58-70(b) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF RENAMING THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO THE PLANNING DEPARTMENT; AMENDING THE RESPONSIBILITIES OF THE COMMUNITY DEVELOPMENT DIRECTOR AND UTILITIES DIRECTOR; CREATING A NEW DEVELOPMENT SERVICES DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff explained that this item was one of four ordinances required to effectuate the reorganization of the Police, Fire and Community Development Departments.

Public Input: None (9:38 a.m.)

MOTION by Pennington to ADOPT Ordinance 95-7519 on second reading; seconded by VanArsdale and unanimously carried, all members present and voting.

ORDINANCE 95-7520.....ITEM 20B
AN ORDINANCE REPEALING DIVISION 2, DEPARTMENT OF FIRE, OF ARTICLE II, ADMINISTRATION, OF CHAPTER 38, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Public Input: None (9:39 a.m.)

MOTION by Pennington to ADOPT Ordinance 95-7520 on second reading; seconded by VanArsdale and unanimously carried, all members present and voting.

ORDINANCE 95-7521.....ITEM 20C
AN ORDINANCE AMENDING DIVISION 5, DEPARTMENT OF POLICE, OF ARTICLE IV, DEPARTMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA; AMENDING DIVISION 3, BUREAU OF FIRE PREVENTION, OF ARTICLE II, ADMINISTRATION, AND ARTICLE III, STANDARDS, OF CHAPTER 38, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO EFFECTUATE NAME CHANGES OF THE FIRE AND POLICE DEPARTMENTS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Public Input: None (9:39 a.m.)

MOTION by Sullivan to ***ADOPT*** Ordinance 95-7521 on second reading; seconded by VanArsdale and unanimously carried, all members present and voting.

ORDINANCE 95-7522.....ITEM 20D
AN ORDINANCE AMENDING SECTION 2-146 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF ADOPTING A REVISED ORGANIZATIONAL CHART; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

In response to Council inquiries, City Manager Richard Woodruff explained how the Finance Department reports to the Assistant City Manager who also serves as the Finance Director. Additionally, he stated the organization was based on City Charter requirements and personnel capabilities.

Public Input: None (9:42 a.m.)

MOTION by Sullivan to ***ADOPT*** Ordinance 95-7522 on second reading; seconded by VanArsdale and unanimously carried, all members present and voting.

On behalf of the employees affected by the reorganization, Dr. Woodruff thanked Council for its cooperation.

RESOLUTION (Continued).....ITEM 7
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A SINGLE-FAMILY RESIDENCE AND AN ELEVATED SWIMMING POOL AND POOL DECK GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE AT 2790 GORDON DRIVE; AND PROVIDING AND EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff referred to the staff's report which recommended approval of this petition. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Public Input: (9:45 a.m.)

Gary L. Wells, 780 96th Avenue North

Mr. Wells stated he was the caretaker of the adjacent property at 2800 Gordon Drive and was speaking on behalf of the owners, Ernest and Carmen Ludy who requested additional time to review construction plans prior to approval. Mr. Wells said the Ludy's are concerned that the proposed construction would obstruct their view.

Natural Resources Manager Jon Staiger stated the construction will occupy less than 65% of the north/south dimension of the property and the proposed residence will be behind the line of construction between the Ludy house and the residence to the north. Dr. Staiger referred to the survey and noted that although the elevated pool may somewhat obstruct the Ludy's view to the north, their view may otherwise improve when vegetation is removed during construction. He said

he would provide copies of the plans to the Ludy's.

Brett Moore, of Humiston & Moore Engineers, spoke on behalf of the petitioners and noted that state criteria for new construction imposed the approximate 19 foot elevation. He offered to meet with Mr. and Mrs. Ludy as plans were finalized and asked Council not to delay the action. It was determined that the owners of the other adjacent property were also notified of the variance request and had not responded. Mr. Moore said he had previously worked with the architects for that adjacent property and was certain they would contact him if there were any questions.

Council Member Sullivan stated that a 19 foot high pool/deck was significant and suggested continuing this item until Mr. and Mrs. Ludy could review the plans. In response to Council inquiries, Dr. Woodruff explained the procedure by which notice of the variance petition is posted on the property and adjacent property owners are notified via certified mail. He added, however, the only legal requirement is the newspaper advertisement. Vice Mayor Korest questioned whether it was within Council's power to reject a variance based solely on a view obstruction. ***MOTION by Sullivan to CONTINUE this item to the October 4, 1995 Regular Meeting; seconded by Pennington and unanimously carried, all members present and voting.***

RESOLUTION 95-7523.....ITEM 8
A RESOLUTION APPROVING A WAIVER FROM THE FIFTH AVENUE SOUTH OVERLAY DISTRICT PROHIBITION AGAINST ARCHED AWNINGS TO PERMIT ARCHED AWNINGS ON THE BUILDING AT 796 FIFTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff relayed staff's recommendation to approve the petition based on the existing, non-conforming design of the Barnett Bank Building.

Jim Boughton, of Boughton Architects, Inc., addressed Council and said the proposed awnings were part of Barnett Bank's overall plan to make the building more pedestrian oriented.

MOTION by Pennington to APPROVE Resolution 95-7523 as submitted; seconded by VanArsdale and unanimously carried, all members present and voting.

Break 10:14 a.m. - 10:20 a.m. It is noted for the record that Council Member Prolman was absent when the meeting reconvened.

RESOLUTION 95-7524.....ITEM 9A
A RESOLUTION GRANTING CHARTER BOAT CAPACITY EXCEPTION 95-CE2 TO PERMIT THE "ROSIE", OPERATED BY THE ROSIE PADDLEBOATS, INC., WITH A CAPACITY OF 149 PASSENGERS, TO CONTINUE TO OPERATE AS A RESTRICTED CHARTER BOAT WITH CUSTOMERS TRANSPORTED BY CHARTERED

TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff.

City Manager Richard Woodruff referred to Ordinance 95-7454 which, in part, distinguishes restricted from non-restricted charter boats and limits restricted charter boats to six passengers. A clause in the ordinance, he explained, permits the owner of a restricted charter boat to apply for an exception to the six passenger limit provided the application is made prior to October 1, 1995. This item, along with Items 9b, 9c, and 9d, are the applications for Council consideration.

Planner Flinn Fagg stated the capacity of the "Rosie" was 149 passengers and referred to material regarding the "Rosie's" operating procedures. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Dr. Woodruff then reviewed the procedures followed by restricted charter boats and approved landside facilities and stressed the capacity exception was based on the use of a central conveyance for the passengers. In response to Council inquiries regarding enforcement, Dr. Woodruff stated the City has the means to implement the regulations and noted that competing charter boats may assist by reporting violations.

It is noted for the record that Council Member Prolman returned to the meeting at 10:25 a.m.

Public Input: None (10:33 a.m.)

MOTION by VanArsdale to APPROVE Resolution 95-7524 as submitted; seconded by Sullivan and unanimously carried, all members present and voting.

**RESOLUTION 95-7525..... ITEM 9B
A RESOLUTION GRANTING CHARTER BOAT CAPACITY EXCEPTION 95-CE1 TO PERMIT THE "DANMARK", OPERATED BY SAILBOATS UNLIMITED, WITH A CAPACITY OF 18 PASSENGERS, TO CONTINUE TO OPERATE AS A RESTRICTED CHARTER BOAT WITH PARKING LOCATED AT THE HOWARD JOHNSON'S MOTEL AND CUSTOMERS TRANSPORTED BY BUS OR SHUTTLED BY VAN TO THE APPROVED LOCATION FOR EMBARKING/DISEMBARKING THE CHARTER BOAT; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro.

Planner Flinn Fagg described the operation and capacity of the "Danmark" and stated that the vessel is currently moored in a recreational slip at the City Dock. City Manager Richard Woodruff noted, however, that it must comply with the operating plan of the City Dock regarding the pick-up and drop-off of passengers. Council Member Pennington expressed concern that the Ad Hoc Charter Boat Committee recommended denial based on unapproved off-site parking.

Petitioner, Alex Engelsted, addressed Council and described the operation of Sailboats Unlimited and her efforts since 1985 to acquire a commercial slip at the City Dock. She distributed copies of advertisements and suggested Council not consider the recommendation of the Ad Hoc Committee because some of its members are her competitors. Ms. Engelsted also stated that her vessel's 6 foot draft precludes dockage at other commercial sites.

Dr. Woodruff explained how, although there is a commercial slip available at the City Dock, a previous Council had prohibited its use due to parking concerns. Vice Mayor Korest suggested a time limit in order to encourage the applicant to become a fully commercial operation and Council Member Sullivan suggested granting the exception only until such time as the "Danmark" obtains a commercial slip at the City Dock.

Public Input: None (11:00 a.m.)

MOTION by VanArsdale to **APPROVE** Resolution 95-7525 **AS AMENDED** to cease when the petitioner obtains a slip at the City Dock; seconded by Sullivan and unanimously carried, all members present and voting.

RESOLUTION 95-7526.....ITEM 9C
A RESOLUTION GRANTING CHARTER BOAT CAPACITY EXCEPTION 95-CE3 TO PERMIT THE "FREE SPIRIT" WHICH CARRIES 120 PASSENGERS AND THE "GYPSY SPIRIT" WHICH CARRIES 50 PASSENGERS TO CONTINUE TO OPERATE AS A RESTRICTED CHARTER BOAT WITH CUSTOMERS TRANSPORTED BY CHARTERED TRANSPORTATION, AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff pointed out that these vessels are moored in Marco Island and only occasionally enter the City limits. Neither vessel offers regularly scheduled tours and would require sponsorship of an approved landside facility.

Public Input: None (11:03 a.m.)

MOTION by Sullivan to **APPROVE** Resolution 95-7526 as submitted; seconded by Pennington and unanimously carried, all members present and voting.

RESOLUTION 95-7527.....ITEM 9D
A RESOLUTION GRANTING CHARTER BOAT CAPACITY EXCEPTION 95-CE4 TO PERMIT THE "KELLY'S KAT," WHICH CARRIES 12 PASSENGERS, TO CONTINUE TO OPERATE AS A RESTRICTED CHARTER BOAT WITH CUSTOMERS TRANSPORTED BY CHARTERED TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Planner Flinn Fagg noted that the applicant indicated use of Key Island and Merriman's Wharf as drop-off/pick-up sites and relayed staff's request to limit the exception to approved landside facilities.

Public Input: None (11:05 a.m.)

MOTION by VanArsdale to **APPROVE** Resolution 95-7527 as submitted; seconded by Pennington and unanimously carried, all members present and voting.

RESOLUTION 95-7528.....ITEM 10
A RESOLUTION APPROVING AN OPERATING PLAN FOR A LANDSIDE FACILITY
FOR RESTRICTED CHARTER BOAT OPERATIONS AT TURNER MARINA,
LOCATED AT 899-911 10TH STREET SOUTH, MORE PARTICULARLY DESCRIBED
HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Planner Flinn Fagg stated this request would allow restricted charter boats to operate from this facility. Mr. Fagg described the operating plan and noted that parking was well above Code requirements. He also relayed the recommendation of both the Ad Hoc Charter Boat Committee and staff for approval.

Public Input: None (11:08 a.m.)

MOTION by Sullivan to APPROVE Resolution 95-7528 as submitted; seconded by
Pennington and unanimously carried all members present and voting.

City Manager Richard Woodruff expressed appreciation to Duke Turner and other members of the Ad Hoc Advisory Committee for their assistance.

ORDINANCE (First Reading).....ITEM 15
AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT PETITION 95-
CPA3 AMENDING THE CITY OF NAPLES COMPREHENSIVE PLAN FUTURE LAND
USE MAP FROM MIXED USE TO MEDIUM DENSITY RESIDENTIAL FOR
MARINER'S COVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING
AND EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff noted that the "WHEREAS" clause referring to the 41-10 Association had been stricken from the ordinance. Dr. Woodruff also stated the Comprehensive Plan does not reflect the actual use of this property and, per Council's direction, this ordinance modifies the Comprehensive Plan to recognize the existing multiple-family use.

Public Input: None (11:14 a.m.)

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

ORDINANCE (First Reading).....ITEM 16
AN ORDINANCE APPROVING REZONE PETITION 95-R5 REZONING MARINER'S
COVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM "I" , INDUSTRIAL, TO
"R3-12", MULTI-FAMILY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE.
Title read by City Attorney Chiaro.

City Manager Richard Woodruff stated that this item was the companion ordinance to the one above.

Public Input: None (11:15 a.m.)

MOTION by VanArsdale to APPROVE this ordinance on first reading; seconded

by Sullivan and unanimously carried, all members present and voting.

ORDINANCE 95-7529.....ITEM 21
AN ORDINANCE ADOPTING AN INVESTMENT POLICY; PROVIDING A
SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.
Title read by City Attorney Chiaro.

City Manager Richard Woodruff explained that the City's investment policy was being modified to comply with recent Florida Statute changes. Council Member Tarrant noted that the Naples Airport Authority was experiencing problems with its investment practices.

No Public: None (11:17 a.m.)

MOTION by Sullivan to ADOPT Ordinance 95-7529 on second reading; seconded
by VanArsdale and carried 6-1 (Tarrant dissenting).

It is noted for the record that Item 22 was continued until later in the meeting in order for Council to obtain additional documentation.

ORDINANCE (First Reading).....ITEM 28
AN ORDINANCE AMENDING SUBPART A. GENERAL ORDINANCES OF APPENDIX
A. FEE SCHEDULE OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES,
REVISING THE RATES FOR STORMWATER MANAGEMENT UTILITY FEES;
PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN
EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff reviewed previous Council discussions regarding the non-availability of revenue to fund expenditures related to stormwater drainage system failures. Rather than have the City incur debt, Dr. Woodruff stated, Council chose to increase the stormwater utility fee monthly charge from \$1.43 per E.R.U. (Equivalent Residential Unit) to \$2.43 per E.R.U which would generate sufficient revenue to manage present capital needs. Vice Mayor Korest questioned the increased rate's affect on commercial properties. Dr. Woodruff then explained the relationship between a commercial/institutional property's E.R.U. and its impervious surface area. For the record, Dr. Woodruff reminded the public that all City facilities also pay for stormwater management. He said a project priority list would be provided prior to second reading. In response to Council Member Tarrant, Assistant City Manager Bill Harrison stated he would investigate whether damage caused by flooding was covered under the City's insurance. He stated, however, it was unlikely because the failures were caused by many years' deterioration. **Public Input:** None (11:40 a.m.)

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

Break 11:44 a.m - 1:58 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

**ORDINANCE (First Reading).....ITEM 11
AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT PETITION 95-CPA1 AMENDING THE TEXT WITHIN THE CITY OF NAPLES COMPREHENSIVE PLAN TO ALLOW LIMITED RESIDENTIAL DEVELOPMENT ON KEY ISLAND AND SPECIFIED USES ON THE SHORE STATION TO SUPPORT THE LIMITED RESIDENTIAL DEVELOPMENT ON KEY ISLAND; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro.

Planner Ron Lee presented the staff's recommendations, noting that this amendment was the first step for the planned development of Key Island and its shore station and would establish general development guidelines. He added that an extensive review of the project would take place at the time of PD rezoning and site plan approval. Mr. Lee summarized the amendment as allowing limited development on the north 61 acres of Key Island which would include a maximum of 20 new home sites, a private marina mooring a maximum of 49 craft of less than 40 feet, the removal of all existing cottages except Bayview Cottage, and retaining the main lodge and pool exclusively for Key Island homeowners. The amendment would also allow for development of the shore station to support this limited residential development. He said staff and the Planning Advisory Board recommended approval.

Attorney Donald Pickworth, representing the petitioners, explained how the Key Island Partners had contracted to purchase the remaining private land on Keewaydin and used aerial photographs to illustrate developable property. In an effort to gain the support of neighboring property associations and others, Mr. Pickworth stated that the petitioners had entered into agreements to restrict development both on the island and the shore station. He described plans to use the northern 100 feet of the shore station for parking and ferry docking, and clarified that fueling facilities would be removed, per agreement with the Cutlass Cove Association. Mr. Pickworth then reviewed the remaining steps in the developmental approval process, one component being to amend outdated overlaying agreements and other limiting restrictive covenants on the property. The would be addressed with the Florida Audubon Society, The Conservancy and other interested groups. Mr. Pickworth stated a more detailed development plan would be submitted during the PD review process.

Public Input: (2:22 p.m.)

Susan Nichols-Lucy, The Conservancy

Ms. Nichols-Lucy relayed her organization's support but urged the petitioner to adhere to the spirit of the March 1993 agreement between the Keewaydin Island Interests, the Florida Audubon Society and the Conservancy in order to assure quality development. Ms. Nichols-Lucy listed concerns regarding docking space, maximum size and height of homes, sewage disposal, maximum shore station parking and the possibility of bridges or causeways to the island.

Council Member Prolman called the preliminary plans a good solution and complimented the

petitioners on their sensitivity to the environment.

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

**ORDINANCE 95-7530.....ITEM 12
AN ORDINANCE ADOPTING SMALL SCALE COMPREHENSIVE PLAN
AMENDMENT 95-CPASS3 AMENDING THE COMPREHENSIVE PLAN FUTURE LAND
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 stated the proposed ordinance was revised so as to limit the hours of operation to 8:00 a.m. to 6:00 p.m. She also said the professional use would be restricted to an office type establishment, however, there were no restrictions regarding employees. Vice Mayor Korest reiterated his previous recommendation to address this issue through a conditional use.

Public Input: (None 2:40 p.m.)

MOTION by Korest to ALLOW A COMPREHENSIVE PLAN AMENDMENT WHICH WOULD ALLOW A LIMITED COMMERCIAL USE AT 395 6TH STREET SOUTH THROUGH THE CONDITIONAL USE PROCESS; seconded by Prolman. Following the discussion that appears below, this motion failed 2-5 (Pennington, Sullivan, Tarrant, VanArsdale and Muenzer dissenting).

Because the process would take approximately two months, Council Member VanArsdale pointed out the owner or tenant would be in limbo until a conditional use was granted. Wafaa Assaad, speaking on behalf of the petitioner, Alessandra Higgs, confirmed that it would be virtually impossible find a tenant willing to wait the two or more months for a conditional use. He said the petitioner would agree in writing to comply with restrictions imposed by the Comprehensive Plan amendment and would further agree to abide by the new Comprehensive Plan when it is adopted and applicable to other property owners in the area. He therefore urged Council to vote on the petition as presented.

Council Member Pennington observed that a conditional use would not address the immediate needs of the petitioner and suggested a time limit on the Comprehensive Plan amendment. Mr. Assaad agreed to a five-year limit, or until such time as the new Comprehensive Plan is adopted. In the event a new Comprehensive Plan is not adopted within that period, he asked that the property owners have the right to petition Council for a renewal of the plan amendment. City Attorney Chiaro noted that a deed restriction could be fashioned, but City Manager Woodruff pointed out that the City does not enforce deed restrictions.

MOTION by VanArsdale to ADOPT Ordinance 95-7530 AS AMENDED to expire in five (5) years or until such time as the Comprehensive Plan is amended, whichever occurs first; seconded by Pennington. Following the discussion which

appears below, this motion carried 5-2 (Korest and Prolman dissenting).

Planning Director McKim pointed out that if the property owner applied for a building permit, site plan approval was also required. City Manager Woodruff explained that any violation of the conditions set forth by Council could be addressed through code enforcement but there would be no recourse if complaints related to the professional use itself.

Break 3:03 p.m. - 3:15 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....ITEM 13
APPROVAL OF PRELIMINARY PLANS FOR LOCATION OF ARTS CENTER IN CAMBIER PARK.

City Manager Richard Woodruff referred to the Use Agreement between the City of Naples and Naples Art Association (Resolution 95-7398) which required Council's approval of preliminary plans. Per Council's request, Architect Al French distributed a list of Arts Center programs and the square footage allotment for each. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Community Services Director Mark Thornton indicated that a special Community Services Advisory Board meeting was held wherein Mr. French presented the preliminary plans. He reminded Council that the issue was the Art Association's need for additional square footage and stated the Board recommended that Council deny the increased square footage and ask the Art Association to reduce its program to function within 8,000 sq. ft. Mr. Thornton referred to the architect's statement that the 9,755 sq. ft. would barely accommodate its needs and further suggested that the park was inappropriate for the Arts Center. Council Member VanArsdale relayed the recommendation of the Staff Action Committee to approve the preliminary plans. As a member of SAC, architect French had abstained from voting.

Betty Young, President of the Naples Art Association, requested approval of the building plans, stating that the Art Association had worked on them for three years. She then described the building as well balanced and adequate and said the additional area was necessary to accommodate programs promised. Ms. Young also noted how it was essential to commence fund raising by the end of the year and Council's rejection could cause a three month delay.

Public Input: (3:29 p.m.)

David Rice, 255 Champney Bay Court (Community Services Advisory Board)

Mr. Rice urged Council to deny the proposed plans and expressed concerns regarding parking and other concessions to the Art Association.

Kenneth Abernathy, 4200 Belair Lane

As a board member of The Naples Players, Mr. Abernathy expressed support for the Art Association

and suggested that the additional 1,755 sq. ft. would not impact remaining park facilities.

Henry Watkins, 2575 Half Moon Walk

Mr. Watkins reminded Council of the many hours spent negotiating the use agreement and said the Art Association should comply with its terms. Allowing this concession may set a precedent for future breaches to the contract as well as requests from other park users for additional space.

Al French, 649 Fifth Avenue South

Architect Al French spoke as a Naples citizen and stated the only issue was whether approval of the Art Center would be in the best long term interests of the City. He said it would revitalize the community and should be in a public park.

Public Input Closed: (3:43 p.m.)

MOTION by Tarrant to maintain the original contract of 8,000 square feet; seconded by Sullivan. Following the discussions which appear below, this motion carried 5-2 (Prolman and VanArsdale dissenting). A prior motion by VanArsdale to approve the design as submitted and amend the use agreement to conform with the plan's design parameters failed for lack of second.

Council Member VanArsdale contended the use agreement's square footage specifications should be flexible because they were set prior to the design process. He reminded Council that the additional 1,755 sq. ft. represents only 3/10 of 1% of total park area and suggested the Art Association is in a better position to determine space required. Council Member Pennington conceded that the use agreement should have differently addressed building size but noted that when the plazas are included, the center would occupy over 18,000 sq. ft. of the park. City Attorney Chiaro clarified that Council Member Prolman's membership on the Art Association Board was as a City Council representative, pursuant to the use agreement, and did not constitute a conflict of interest. She also said the use agreement designated 8,000 sq. ft of land for the building. Council Member Sullivan stated that building size was his overriding concern and he supported the position of the Community Services Advisory Board. Council Member Tarrant said that the issue should have gone to the voters because it involved relinquishing public land. He also expressed confidence that the architect could design a building within the 8,000 sq. ft. parcel. Vice Mayor Korest stated that Council and the Art Association should abide by the use agreement's size limitation. Mayor Muenzer, however, characterized this issue as emotional and said he would have preferred that other plans and alternatives had been presented.

It is noted for the record that Council Member VanArsdale left the meeting at 4:21 p.m.

RESOLUTION 95-7531.....ITEM 22
A RESOLUTION AMENDING RESOLUTION NO. 94-7270, EXTENDING THE
CONTRACT WITH ARTHUR J. GALLAGHER AND COMPANY TO RENEW THE
CITY'S SELF-INSURANCE PROGRAM PROVIDING FOR PREMIUMS AND THE LOSS
FUND FOR FISCAL YEAR 1996; AND PROVIDING AN EFFECTIVE DATE. Title read by

City Attorney Chiaro.

City Manager Richard Woodruff reviewed purchasing procedures regarding insurance management and stated this was a request for a one year renewal; The contract had been awarded to Arthur J. Gallagher and Company in 1992, after competitive bidding. He also reminded Council the present contract would expire on September 30th. Although a recent appraisal of City owned property reflected an increased value, on a percentage basis, premiums increased at a lower rate. Assistant City Manager Bill Harrison also noted that the staff reviews renewals to confirm the premiums are fair. Council learned from staff that the insurable value for City property was in excess of \$96 million, a 17.7% increase over the previous year. (A copy of this material presented is contained in the file for this meeting in the City Clerk's Office.) Mr. Harrison then stated the City has \$1.5 million in flood insurance coverage. Mr. Harrison suggested Council meet with a representative of Arthur J. Gallagher and Company during the next workshop meeting to discuss any remaining questions. Vice Mayor Korest asked the City Attorney to review all policies and called for further discussion at the next workshop.

No Public: (4:47 p.m.)

MOTION by Sullivan to APPROVE Resolution 95-7531 as submitted and INITIATE THE REQUEST FOR BID PROCESS IN SIX MONTHS; seconded by Pennington and carried 6-0 (VanArsdale absent).

OPEN PUBLIC INPUT.....

Rich Karzaris (sic) addressed Council on behalf of Allen Pell, President of Naples Ultimate Adventures, who owns the "Volunteer" charter vessel and was requesting pick-up and drop-off privileges at the Naples City Dock. He distributed a letter from Mr. Pell which described the current capacity of the vessel and passenger transportation, a copy of which is contained in the file for this meeting in the City Clerk's office. City Manager Woodruff stated Council could not act as Naples Ultimate Adventures has not filed the necessary paperwork.

MOTION by Pennington to CONTINUE the decision to the October 4, 1995 Regular Meeting waiving administrative procedure relative to this charter boat; seconded by Sullivan and carried 6-0 (VanArsdale absent).

CORRESPONDENCE and COMMUNICATION

Mayor Muenzer reminded the public of the budget public hearing scheduled for September 21st at 5:05 p.m.

City Manager Woodruff pointed out that a preliminary model of a new Veterans Memorial has been provided by the Collier County Veteran's Association and was on display in Council's office area. Dr. Woodruff described the model as merely a concept subject to approval by both the Community Services Board and Council.

ADJOURN.....

5:03 p.m.

Paul W. Muenzer, Mayor

Tara A. Norman
Deputy City Clerk

Virginia A. Neet
Administrative Assistant

These minutes of the Naples City Council were approved on 10/18/95



Index

City Council Regular Meeting

September 20, 1995

Convened 9:00 a.m. / Adjourned 5:03 p.m.

ADJOURN

5:03 p.m.....	16
ANNOUNCEMENTS - Item 4	3
ARTS CENTER - Item 13.....	14
BID AWARD - Item 25	
Irrigation system components	2
BID AWARD - Item 27	
Oil changes, lubrications	2
CONSENT AGENDA	2
INVOCATION and PLEDGE OF ALLEGIANCE - Item 1	
Rev. Ron Walter, Emmanuel Lutheran Church.....	2
MINUTES - Item 23	
8/16/95 Regular; 9/6/95 Regular - Approved	2
ORDINANCE (First Reading) - Item 11	
Amend Comprehensive Plan - Key Island.....	11
ORDINANCE (First Reading) - Item 14	
Amend Comprehensive Plan to recognize second Gordon River Bridge	2
ORDINANCE (First Reading) - Item 15	
Amend Comprehensive Plan - Mariner's Cove	10
ORDINANCE (First Reading) - Item 16	
Rezone Mariner's Cove.....	10

ORDINANCE (First Reading) - Item 28	
Stormwater management fee amendment.....	11
ORDINANCE 95-7515 - Item 19	
Rezone 1.85 acres of Beach Club property for tennis facility	3
ORDINANCE 95-7519 - Item 20-a	
Rename Community Development Department to Planning	4
ORDINANCE 95-7520 - Item 20-b	
Reorganize Fire and Police into Police & Emergency Services	5
ORDINANCE 95-7521 - Item 20-c	
Effectuate name change for Police & Emergency Services.....	5
ORDINANCE 95-7522 - Item 20-d	
Adopt new organizational chart	6
ORDINANCE 95-7529 - Item 21	
Adopt investment policy.....	10
ORDINANCE 95-7530 - Item 12	
Amend Comprehensive Plan - single family residence, 695 Sixth St. S.....	12
PURCHASE AUTHORIZATION - Item 26	
Compact hydraulic excavator	2
RESOLUTION (Continued) - Item 7	
Grant CCSL variance - 2790 Gordon Drive.....	6
RESOLUTION 95-7514 - Item 24	
EMS grant funds - interlocal agreement	2
RESOLUTION 95-7516 - Items 17 and 18	
Grant CCSL variance - 444 and 4500 Gordon Drive.....	3
RESOLUTION 95-7517 - Item 5	
Grant CCSL variance - 30 Seventh Ave. S.....	4
RESOLUTION 95-7518 0 - Item 6	
Grant CCSL variance - 4500 Gordon Drive.....	4
RESOLUTION 95-7523 - Item 8	
Grant waiver - awning at 796 Fifth Ave. S.....	7
RESOLUTION 95-7524 - Item 9-a	
Boat Capacity Exception 95-CE2 - "Rosie"	7
RESOLUTION 95-7525 - Item 9-b	
Boat Capacity Exception 95-CE1 - "Danmark"	8
RESOLUTION 95-7526 - Item 9-c	
Boat Capacity Exception 95-CE4 - "Kelly's Kat"	9
RESOLUTION 95-7527 - Item 9-d	
Boar Capacity Exception.....	9
RESOLUTION 95-7528 - Item 10	
Charter boat landside facility - Turner Marina.....	19

City Council Regular Meeting - September 20, 1995

RESOLUTION 95-7531 - Item 22

Extend self-insurance contract 15

ROLL CALL - Item 2

All present 1