



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting - December 7, 1994 9:00 a.m.**

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Mayor Muenzer called the meeting to order and presided.

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**ROLL CALL**

**ITEM 2**

**Present:**

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

**Council Members:**

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

**Also Present:**

Dr. Richard L. Woodruff, City Manager  
Maria J. Chiaro, City Attorney  
Paul Reble, Police Chief  
James Byrne, Police Captain  
Paul Sireci, Police Captain  
Flinn Fagg, Planner I  
Ann Walker, Planner II  
Missy McKim, Community Dev. Director  
Bill Harrison, Finance Director  
Dan Mercer, Utilities Director  
Terry Fedelem, Operations Superintendent  
Michael Whitcavage, Utilities Analyst  
Ralph LaCivita, Chief Accountant  
Jon Staiger, Natural Resources Manager  
Gil Sherburne, Zoning Inspector  
George Henderson, Sergeant-At-Arms  
Marilyn A. McCord, Deputy City Clerk

Werner W. Haardt  
John Passidomo  
Charles Andrews  
Charles Thomas  
William Holden  
Allen Geroy  
Ray Kisor  
Penny Taylor  
David Bayer  
Donald Pickworth  
Other interested citizens and visitors

**Media:**

Jerry Pugh, Colony Cablevision  
Eric Staats, Naples Daily News  
Justyna Ford, Chamber of Commerce

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**ITEM 1**

Reverend James Lake, First United Methodist Church

**ITEMS TO BE ADDED**

**ITEM 3**

City Manager Woodruff requested that Item 31 be added to the agenda: a resolution amending certain provisions of the City's self-funded health insurance plan. He also asked that Items 23 and 26-a be withdrawn.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

**ITEM 22**

November 2, 1994 Regular Meeting  
November 16, 1994 Public Input Meeting  
November 21, 1994 Workshop Meeting

**(Removed from agenda)**

**ITEM 23**

**A RESOLUTION APPROVING CITY MANAGER'S CONTRACT**

**RESOLUTION NO. 94-7316**

**ITEM 24**

**A RESOLUTION RENEWING THE CONTRACT WITH EMPLOYEE ASSISTANCE SERVICES OF SOUTHWEST FLORIDA, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.**

**ITEM 25**

**REQUEST FOR A PERMIT TO CONSTRUCT A SWIMMING POOL AND POOL PATIO GULFWARD OF THE COASTAL CONSTRUCTION LINE, AT 1790 GULF SHORE BOULEVARD SOUTH.**

**(Removed from agenda)**

**ITEM 26-a**

**BUDGET AMENDMENT IN THE AMOUNT OF \$14,434.00 TO FUND PURCHASE OF FURNITURE FOR ENGINEERING DIVISION.**

**ITEM 26-b**

**BUDGET AMENDMENT TO TRANSFER TWO POSITIONS TO THE BUILDING DIVISION.**

**BID #94-54**

**ITEM 27**

**AUTHORIZATION TO ISSUE A CHANGE ORDER FOR U.S. 41 FORCE MAIN RELOCATION AND REUSE MAIN EXTENSION.**

**BID #94-69**

**ITEM 28**

**AWARD BID TO PURCHASE 53 COCONUT PALM TREES TO REPLACE PALMS DESTROYED DURING HURRICANE ANDREW.**

**BID #95-10**

**ITEM 29**

**BID AWARD FOR ANNUAL PURCHASE OF INSECTICIDES, FUNGICIDES, HERBICIDES, ETC., TO BE USED IN ROUTINE HORTICULTURAL CARE AREAS ON AN AS-NEED BASIS.**

**ITEM 30**

**AUTHORIZATION TO ISSUE PURCHASE ORDER FOR WATER SYSTEM SAMPLING SYSTEMS.**

**MOTION:** To add Item 31 to the agenda, continue Items 23 and 26-a, and approve the consent agenda consisting of Items 22, 24, 25, 26-b, 27, 28, 29, and 30.

Korest		Y
Pennington	M	Y
Prolman		Y
Sullivan	S	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ANNOUNCEMENTS**

**ITEM 4**

Dr. Woodruff recognized employees for length of service to the City. Recipients of awards had served the City for five years, ten years, fifteen years, twenty years, and twenty-five years. Each employee was presented a certificate of appreciation and acknowledged by Council. Dr. Woodruff said that the City was very proud of those employees being recognized. A list of employees recognized is included as Attachment #1.

Finance Director Bill Harrison next invited Chief Accountant Ralph LaCivita to the podium. Mr. LaCivita was presented the "Financial Award of Reporting Achievement," which is the highest possible award in government financial reporting and which was awarded the City's Finance Department.

**ITEM 5**

**RECONSIDERATION OF COUNCIL'S DECISION REGARDING APPROVAL OF A FOUR-LOT-SINGLE-FAMILY SUBDIVISION LOCATED AT THE SOUTHWEST CORNER OF GULF SHORE BOULEVARD AND NORTH LAKE DRIVE, TO BE**

**KNOWN AS VISTA DEL MAR.**

City Attorney Chiaro advised Council that since this item was placed on today's agenda at a previous regular meeting, should Council desire to forego this discussion, they must do so by motion and take public input, if any.

**Public Input:** None.

**MOTION:** To forego reconsideration of Item 5.

Korest	S	Y
Pennington	M	Y
Prolman		Y
Sullivan		Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**RESOLUTION NO. 94-7317**

**ITEM 21**

**A RESOLUTION RE-APPOINTING MEMBERS TO THE AD HOC ADVISORY COMMITTEE FOR EVALUATION OF FRANCHISE/CABLE TELEVISION ISSUES; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff noted that those serving on the Ad Hoc Advisory Committee for Evaluation of Franchise/Cable Television Issues had given hundreds of hours dealing with cable issues, and the community was indebted to them for the many hours of dedicated service. Members of the Committee are:

- . Garfield Ricketts
- . George C. Kunze, Jr.
- . Robert A. Shiff

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- . Ruth B. Bennett
- . Glenn W. Gergland
- . Terrence J. Miller
- . Kevin Rambosk

**Public Input:** None.

**MOTION:** To **APPROVE** the resolution as presented.

Korest		Y
Pennington	M	Y
Prolman		Y
Sullivan	S	Y
Tarrant		Y
VanArsdale		N
Muenzer		Y

(6-1)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

Council Member Van Arsdale voted in the negative, noting that he believed this was not time well spent.

**ORDINANCE 94-7318**

**ITEM 16-a**

**AN ORDINANCE ADDING SECTION 50-443, OTHER DISTRIBUTIONS, TO ARTICLE VI. POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA FOR THE PURPOSE OF SATISFYING THE QUALIFICATION REQUIREMENTS OF THE INTERNAL REVENUE CODE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None.

**MOTION:** To **ADOPT** the ordinance at second reading.

Korest	M	Y
Pennington		Y
Prolman		Y
Sullivan	S	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE NO. 94-7319**

**ITEM 16-b**

**AN ORDINANCE ADDING SECTION 50-347, OTHER DISTRIBUTIONS, TO ARTICLE VI. FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA FOR THE PURPOSE OF SATISFYING THE QUALIFICATION REQUIREMENTS OF THE INTERNAL REVENUE CODE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

**MOTION:** To **ADOPT** the ordinance at second reading.

Korest	M	Y
Pennington		Y
Prolman		Y
Sullivan	S	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**RESOLUTION NO. 94-7320**

**ITEM 6-a**

**A RESOLUTION GRANTING CONDITIONAL USE PETITION 94-CU11 FOR TWO DRIVE-UP WINDOWS WHICH ARE ACCESSORY TO A PROPOSED FINANCIAL INSTITUTION TO BE LOCATED AT 365 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CONDITIONS LISTED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Planner Flinn Fagg reviewed the conditional use petition, which would allow construction of two drive-up windows at a proposed financial institution to be located in the Colony Court building at 365 Fifth Avenue South. Mr. Fagg used visual aids to describe what is proposed. Staff recommended approval subject to the following conditions:

- . The applicants shall submit a revised site plan subject to approval by the Department of Solid Waste in regard to the location and size of the dumpster enclosure.
- . The applicant shall provide three handicapped parking spaces at the rear of the building.

- . Approval of a waiver from the Fifth Avenue Overlay district standards is required to permit a canopy to be located over the drive-through facilities, and shall be decided by Council.
- . In the proposed changes to the Fifth Avenue South Special Overlay District regulations, staff is proposing that the SAC (Staff Action Committee) may waive the loading space requirement within the district. Should this proposed change ultimately be approved by Council, staff would like to see the loading space reconfigured as a parallel space along the alley, and that the additional area be devoted to a heavily-landscaped buffer between the drive-up windows and the alley to provide a buffer for the multi-family complex across the alley.

Council discussed traffic flow through the affected alley, and the condition of the alley itself. Council Member Pennington said that in his opinion some improvements should be done if increased traffic flow was anticipated. Council Member Van Arsdale countered that he believed the alleys worked fine. He said it was not in the City's best interest to improve the alleys so that traffic flows faster.

Attorney John Passidomo, representing the applicants, addressed Council. He reported that the site plan was prepared to comply with the CDC (Comprehensive Development Code) and to fulfill the intentions of the Fifth Avenue South Special Overlay District. Mr. Passidomo expressed his appreciation to staff and the PAB members for their careful review of the matter and assured Council that the applicants were happy to comply with all of staff's recommendations.

Council Member Pennington and Mr. Passidomo engaged in conversation pertaining to the alley and whether improvements should be required. Mr. Passidomo reminded Council that the only issue before them today was the issue of the drive-through facility. He challenged the premise that traffic would be affected in any way.

Vice Mayor Korest said that he could not remember ever having a drive-through conditional use situation where concerns materialized into reality. He suggested that any concern appears to be the impact on surrounding areas and asked if neighbors had provided additional comments. Attorney Passidomo confirmed that the neighbors had not been contacted. However, this item was reviewed by staff as well as at three SAC meetings and in detail at a PAB meeting and it was determined that there would be no increase in traffic.

**Public Input:**

**William Holden, 384 Fourth Avenue South**

Mr. Holden told Council that he and other owners of the Raintree Club condominium had never been notified of this issue. Ms. McKim clarified that letters were sent, and Mayor Muenzer pointed out that people did speak on this item at the public input section of the PAB meeting. Mr. Holden noted that although Sun Bank and Barnett Bank had been cited as examples, there were no



residences behind those two facilities. He commented that it was almost impossible to drive through the alley now. Mr. Holden said that he did not understand how anyone could say traffic would not be increased.

**David Bayer, 395 Fifth Avenue South**

Mr. Bayer addressed Council representing Mrs. Hubbard, whose property is adjacent to the proposed drive-through facility. He commented that the alley was already unsafe and any increase in traffic would harm it even more. Mr. Bayer also pointed out that in his opinion people would not park a block away if they live in the proposed apartments, therefore will use the parking spaces nearest the building.

Council Member Tarrant inquired about voting based on a prejudged decision. City Attorney Chiaro advised that Council's responsibility was to make a decision based upon what is presented at this meeting. Council Members must vote if they are present. Mr. Tarrant expressed his continuing concern about having a member of Council also serve on the SAC.

The City Attorney stated that procedures as set forth in the Code for approval of conditional uses require notification prior to public hearing to property owners within 500 feet. In addition, a sign shall be posted in a visible location, providing information about the hearing. Failure to notify all those within 500 feet shall not render the hearing void, however.

Council further discussed alley conditions. Council Member Van Arsdale assured everyone that his opinion was not prejudged and that comments to that end were entirely inappropriate. Parking is not the problem in this situation, said Mr. Van Arsdale. Vice Mayor Korest added that the issue at hand was whether the criteria of the conditional use could be met, and it was his opinion that criteria could be met and he was not uncomfortable moving ahead with approval.

Mayor Muenzer referred to Mr. Tarrant's remarks about Mr. Van Arsdale serving on an advisory board as well as on Council. The Mayor pointed out that two Council Members serve on the Metropolitan Planning Organization. Mayor Muenzer is the Chairman of the Southwest Regional Planning Board. Mr. Tarrant said it was not his intent to offend anyone, however Council needs to avoid any public perception of conflict of interest.

**MOTION:** To **APPROVE** the resolution as presented.

Council Member Prolman commented that she regretted the fact that some people were not notified and hoped that would not happen in the future. She suggested that the alley be monitored, since it is very narrow, and perhaps staff can obtain the input of neighboring property owners.

Council Member Tarrant stated that it would not give the neighbors any level of comfort to know that proper notice would be given to people in the future. He went on to move for continuance of this matter.

Korest	S	Y
Pennington	M	Y
Prolman		Y
Sullivan		Y
Tarrant		N
VanArsdale		Y
Muenzer		Y

(6-1)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

**NOTE:** Since a motion to continue takes precedence, that vote was taken first.

**MOTION:** To **CONTINUE** Item 6-a.

Prior to Council's vote, Attorney Passidomo stated that the question at hand is clearly controlled by the Code; there is no legal issue here. Notice has been posted for a month, he said, and five meetings concerning the matter had already been held. He respectfully requested a vote of "no" to the continuance.

**The motion to continue failed by a vote of 2-5.**

**Council then voted on the original motion, which passed 6-1, with Council Member Tarrant dissenting.**

Korest		N
Pennington		N
Prolman		N
Sullivan		N
Tarrant	M	Y
VanArsdale		N
Muenzer	S	Y
(2-5)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**RESOLUTION NO. 94-7321**

**ITEM 6-b**

**A RESOLUTION APPROVING A WAIVER FROM THE FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT SETBACK REQUIREMENT IN ORDER TO PERMIT THE CONSTRUCTION OF A CANOPY THAT ENCROACHES 15 FEET INTO A REQUIRED SETBACK; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Planner Flagg reviewed the request for a waiver, which requires that the rear facades of buildings in the Fifth Avenue South Special Overlay District be set back a minimum of 50 feet from the midpoint of the alley. The Staff Action Committee reviewed the petition and recommended approval of the waiver. Staff recommended approval of the request as well, noting that the addition of the canopy would reduce the visual impact of the auto teller facilities and the transmission of noise, and does not violate the intent of the setback requirement.

**Public Input:**

**William W. Holden, 384 Fourth Avenue South**

Mr. Holden began his comments by saying, "Call it whatever you want, it's a structure." He asked, "In your layout did they show physically where seven parking spaces will be?" Attorney Passidomo advised that the applicants had never made the representation that they would provide the spaces recommended by staff but did state that they would abide by all staff recommendations. Dr. Woodruff asked that no one confuse the seven spaces shown on the diagram with those seven connected to the apartments.

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Korest	M	Y
Pennington		Y
Prolman		Y
Sullivan	S	Y
Tarrant		N
VanArsdale		Y
Muenzer		Y

(6-1)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

**MOTION:** To **APPROVE** the resolution as presented.

**BREAK:** ~~11:00 a.m. 11:20 a.m.~~

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**RESOLUTION NO. 94-7322**

**ITEM 7**

**A RESOLUTION GRANTING VARIANCE PETITION 94-V12 FROM SECTION 110-32 OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES, WHICH PREVENTS THE CONSTRUCTION OF ACCESSORY STRUCTURES ON A VACANT LOT PRIOR TO THE CONSTRUCTION OF A PRINCIPAL BUILDING, IN ORDER TO PERMIT THE CONSTRUCTION OF A BOAT DOCK ON THE LOT AT 3411 GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Planner Flagg reviewed the request for a variance, pointing out that the petitioner owns lots on both sides of Gordon Drive, with an existing residence on the western lot, and proposes to build a boat dock on the vacant eastern lot which borders on Champney Bay.

Staff found that there were unique circumstances and conditions which applied to this petition, and that a literal interpretation of the zoning ordinance would deprive the applicant of a right enjoyed by others who own bayfront property. Staff recommended approval of this request, with the condition that the dock be limited to the guests and residents of 3400 Gordon Drive. The PAB voted unanimously to recommend approval of the petition. Neighboring property owners expressed their support of the petition.

City Attorney Chiaro advised Council that a signature line for the applicant had been added to the resolution, to show agreement with the stipulations recommended by staff. This resolution will be recorded in the County Clerk's Office.

Mr. Alan Gerry, owner of the properties, told Council that he had made every attempt to consider zoning regulations, environmental impact, etc. The dock is intended for private use only. Dr. Woodruff commented that the applicant was to be commended for beautifying what was an overgrown lot.

**Public Input:**

**F. W. Chockley, Jr., 512 21st Avenue South**

**Louise B. Stewart, 2188 Southwinds Drive**

**NOTE:** The above individuals were registered to speak, however they were not present at time of public input.

**MOTION:** To **APPROVE** the resolution as presented.

Korest	S	Y
Pennington		Y
Prolman		Y
Sullivan	M	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE (First Reading)**

**ITEM 8**

**AN ORDINANCE AMENDING SUBSECTION 110-84(b)(2) AND (b)(3) OF THE COMPREHENSIVE DEVELOPMENT CODE TO DEFINE "FLEXIBLE" PARKING STANDARDS AND TO DEFINE THE METHOD OF DETERMINING THE MAXIMUM NUMBER OF GUEST ROOMS FOR BED AND BREAKFAST FACILITIES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Vice Mayor Korest clarified that the City currently has one bed and breakfast facility, and the potential for two more. Staff and the PAB recommended approval of this ordinance at first reading.

**Public Input: None.**

**MOTION:** To **APPROVE** the ordinance at first reading.

Korest		Y
Pennington	S	Y
Prolman		Y
Sullivan	M	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE (First Reading)**

**ITEM 9**

**AN ORDINANCE AMENDING THE DEFINITION OF "MARINA" SET FORTH IN SECTIONS 82-10 AND 102-532(8) WITHIN THE "C2-A" WATERFRONT COMMERCIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO ALLOW FOR THE LOADING AND UNLOADING OF MARINE CONSTRUCTION SUPPLIES AS AN ACCESSORY USE TO COMMERCIAL MARINAS, PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the proposed ordinance, which would provide for some location within the municipal boundaries from which dock and seawall repair activities can be staged. The PAB voted unanimously to recommend approval.

In response to Council Member Sullivan, Dr. Woodruff said that the size of the barge would control the size of vehicles which would engage in loading or unloading activity. To date, there have been no citizen complaints about this activity.

**Public Input: None.**

**MOTION:** To **APPROVE** the ordinance at first reading.

Korest		Y
Pennington		Y
Prolman	M	Y
Sullivan	S	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE (First Reading)**

**ITEM 10**

**AN ORDINANCE AMENDING PARAGRAPH (c), "PAVING", OF SECTION 106-103, "DESIGN AND CONSTRUCTION STANDARDS" (FOR PARKING SPACES), OF THE COMPREHENSIVE DEVELOPMENT CODE IN ORDER TO ALLOW FOR THE CONSTRUCTION OF UNPAVED PARKING AREAS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Planner Ann Walker provided a review of this proposed ordinance, which would allow for the City's Engineering Manager to approve construction of unpaved parking. Staff and the PAB recommend approval. Ms. Walker noted that during the past few years, the City has granted several requests for unpaved parking, and those lots have worked well in their unpaved state. She suggested that language be added to the ordinance stating that the lots must have stabilized bases and surfaces compatible with their contingent use.

**Public Input: None.**

**MOTION:** To **APPROVE** the ordinance at first reading, with the inclusion of language recommended by staff.

Korest		Y
Pennington	M	Y
Prolman	S	Y
Sullivan		Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE (First Reading)**

**ITEM 11**

**AN ORDINANCE AMENDING SECTION 102-423 "HC" HIGHWAY COMMERCIAL, SECTION 102-719 "PD" PLANNED DEVELOPMENT DISTRICT, AND SECTION 110-125 SHOPPING CENTERS , REMOVING RESTRICTIONS WHICH LIMIT THE TYPE OF PARKING FACILITY USED IN CONJUNCTION WITH SHOPPING CENTERS; ADDING SECTION 110-126 STANDARDS FOR PARKING GARAGES ESTABLISHING DESIGN STANDARDS FOR PARKING STRUCTURES WITHIN THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Community Development Director Missy McKim reviewed the proposed ordinance, which removes restrictions limiting types of parking facilities used in conjunction with shopping centers in the City. The proposed ordinance also creates new design standards and guidelines. This ordinance shall not apply to properties currently zoned "PD" Planned Unit Development, which contain parking structures. Staff and the PAB recommend approval.

**Public Input:**

**Penny Taylor, 995 13th Street North**

Ms. Taylor asked that Council consider the City and its residents rather than those who commute to



the City from the County. She said that in her opinion this ordinance would allow commercial intensification. Ms. Taylor suggested that a better use of tax money would be to encourage rehabilitating existing commercial sites. The low density residential character of Naples had made it the success it is, she remarked. Ms. Taylor asked that Council remember the beauty and small town atmosphere of Naples and she implored the Council to not change the City's formula for success.

**MOTION:** To **APPROVE** the ordinance at first reading.

Korest		Y
Pennington	S	Y
Prolman		Y
Sullivan	M	Y
Tarrant		N
VanArsdale		Y
Muenzer		Y
(6-1)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE (First Reading)**

**ITEM 12**

**AN ORDINANCE AMENDING SUBSECTION (b) AND ADDING SUBSECTION (f) TO SECTION 106-235 "FOOD WASTE, TRASH, WEEDS AND NOXIOUS PLANTS" OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO ESTABLISH THE RESPONSIBILITIES OF PROPERTY OWNERS REGARDING THE MAINTENANCE OF MUNICIPAL RIGHTS-OF-WAY ADJACENT TO THEIR PROPERTY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff noted that "obstruction" had been more clearly defined for the proposed ordinance. Community Development Director McKim explained that this ordinance would more clearly identify the responsibility of maintenance of rights-of-way.

**Public Input:** None.

Korest		Y
Pennington	S	Y
Prolman		Y
Sullivan	M	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

**MOTION:** To **APPROVE** the ordinance at first reading.

**ORDINANCE (First Reading)**

**ITEM 13**

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO ALLOW THE CITY TO PURCHASE GOODS OR SERVICES USING THE PRICES, TERMS AND CONDITIONS OF ANOTHER PUBLIC AGENCY'S BID; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

The City Attorney told Council that the language "public agency" will replace "public entity" in the ordinance.

**Public Input:** None.

**MOTION:** To **APPROVE** the ordinance at first reading.

Korest		Y
Pennington	M	Y
Prolman		Y
Sullivan	S	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

**ORDINANCE (First Reading)**

**ITEM 14**

**AN ORDINANCE AMENDING SECTION 118-32(d) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, ENTITLED "SEWER SYSTEM DEVELOPMENT CHARGE" AND SECTION 118-33(g)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, ENTITLED "WATER SERVICE CONNECTIONS AND MAIN EXTENSIONS" RELATING TO RATES AND CHARGES FOR SEWER AND WATER SERVICE; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff pointed out that even with the proposed increases, the City's system development fees will be less than the County's. Bond covenants state explicitly that the City cannot provide water or sewer free of charge for any customer. The City, Naples Community Hospital, and the Naples Airport are not exempt from system development fees.

**Public Input:** None.

**MOTION:** To **APPROVE** the ordinance at first reading.

Korest		Y
Pennington	S	Y
Prolman		Y
Sullivan	M	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

**ORDINANCE NO. 94-7323**

**ITEM 15**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES IN ORDER TO RECODIFY ESTABLISHED VESSEL SPEED CONTROL ZONES WITHIN THE CITY OF NAPLES AND TO ADD AN EXEMPTION FOR A MECHANICS TESTING AREA; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

Korest		Y
Pennington		Y
Prolman		Y
Sullivan	M	Y
Tarrant	S	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

**MOTION:** To **ADOPT** the ordinance at second reading.

**RESOLUTION NO. 94-7324**

**ITEM 17**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NAPLES AND THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO ASSIST IN THE COORDINATION BETWEEN THE CITY AND THE COUNTY REGARDING AFFORDABLE HOUSING IN THE URBAN AREA; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Community Development Director McKim reviewed the budget for the City's Community Development Block Grant funds. Distribution of those funds will be at Council's sole discretion.

**Public Input:** None.

**MOTION:** To **APPROVE** the resolution as presented.

Korest		Y
Pennington	S	Y
Prolman		Y
Sullivan	M	Y
Tarrant		N
VanArsdale		Y
Muenzer		Y
(6-1)		
M=Motion	S=Second	
Y=Yes	N=No	A=Absent

**RESOLUTION NO. 94-7325**

**ITEM 18**

**A RESOLUTION APPROVING AN AMENDED HOUSING INCENTIVE PLAN PREVIOUSLY APPROVED BY COUNCIL AS REQUIRED BY THE FLORIDA HOUSING FINANCE AGENCY FOR PARTICIPATION IN THE STATE HOUSING INITIATIVE**

**PARTNERSHIP (SHIP) PROGRAM; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Community Development Director McKim reviewed the proposed resolution, which will allow more expedient permit processing for affordable housing.

**Public Input: None.**

**MOTION:** To **APPROVE** the resolution as presented.

Council Member Tarrant voted in the negative, commenting that in his opinion this was misuse of taxpayer money.

Korest		Y
Pennington	M	Y
Prolman		Y
Sullivan	S	Y
Tarrant		N
VanArsdale		Y
Muenzer		Y

(6-1)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

**RESOLUTION NO. 94-7326**

**ITEM 19**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY, BETWEEN JOHN A. PULLING AND THE CITY OF NAPLES, FOR THE PURCHASE OF 6.834 ACRES LOCATED EAST OF GOODLETTE-FRANK ROAD AND SOUTH OF EXISTING CITY PROPERTY, AND INCLUDING APPROVAL OF A SEVENTY-FIVE (75) FOOT ROADWAY EASEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the list of uses permitted for the property at issue, noting that Mr. Pulling had very specifically stated that the site should be used for public works activities. Mr. Pulling will continue to reside adjacent to the subject property. The appraisal was done based upon existing zoning and comparable sales. Dr. Woodruff emphasized the fact that no agents and no commissions had been involved in this transaction. Vice Mayor Korest noted that ownership of this property would be of significant benefit to the City, and was made possible by the good will of Mr. Pulling.

**Public Input: None.**

**MOTION:** To **APPROVE** the resolution, subject to additional conditions established by the City Attorney.

Council Member Prolman did not support the resolution, commenting that she was bothered by the option to reverter clause as well as the fact that the property is on waterfront property.

Korest	M	Y
Pennington		Y
Prolman		N
Sullivan	S	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(6-1)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ITEM 20**

**AUTHORIZATION TO ISSUE PURCHASE ORDER FOR THE CONTINUATION OF THE CITY'S PROGRAM OF REHABILITATING THE CITY'S SEWER SYSTEM.**

City Manager Woodruff explained that competitive bids for this item are not available, since the products used are still under copyright. Dr. Woodruff assured Council that the project was monitored by City staff.

**Public Input: None.**

**MOTION:** To **APPROVE** the issuance of a purchase order to Madsen/Barr Corporation, Fort Lauderdale, for the continuation of the City's sewer system rehabilitation program.

Korest		Y
Pennington	M	Y
Prolman		Y
Sullivan	S	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**RESOLUTION NO. 94-7327**

**ITEM 31**

**A RESOLUTION AMENDING CERTAIN PROVISIONS OF THE CITY OF NAPLES' SELF-FUNDED HEALTH INSURANCE PLAN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Finance Director Harrison reported that the proposed changes to the health plan had been favorably received by City employees. Much of the credit goes to Naples Community Hospital, he noted, for enrolling approximately 90% of the local physicians to this managed care program. The plan will offer employees comfort since they will be able to continue the relationships they had with their physicians. The plan will also save the City money. Mr. Harrison explained the difference between using network and non-network physicians and gave details about the plan's deductible. Every City employee was required to attend one of the meetings which explained the new plan, stated Dr. Woodruff.

**Public Input: None.**

**MOTION:** To **APPROVE** the resolution as presented.

Korest		Y
Pennington	M	Y
Prolman		Y
Sullivan		Y
Tarrant		Y
VanArsdale	S	Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

**OPEN PUBLIC INPUT:** None.

#### **CORRESPONDENCE/COMMUNICATIONS**

Community Services Director Mark Thornton distributed a brief synopsis of the evaluation of the City-wide survey relative to park usage performed by City staff during the month of November, 1994. (Attachment #2)

**ADJOURN: 12:45 p.m.**

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**Paul W. Muenzer, Mayor**

Janet Cason  
City Clerk

Marilyn A. McCord  
Deputy City Clerk

These minutes of the Naples City Council were approved on January 4, 1995.







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**December 7, 1994**  
 Convened 9:00 a.m. / Adjourned 12:45 p.m.

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