



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting - February 7, 1996 - 9:00 a.m.**

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Mayor Muenzer called the meeting to order and presided.

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**ROLL CALL**

**ITEM 2**

**Present:**

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

Council Members:

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

**Also Present:**

Dr. Richard L. Woodruff, City Manager  
Maria J. Chiaro, City Attorney  
William Harrison, Assistant City Manager  
Dr. Jon Staiger, Natural Resources Mgr.  
Flinn Fagg, Planner I  
Susan Golden, Planner II  
Dan Mercer, Utilities Director  
Mark Thornton, Comm. Services Director  
Richard Gatti, Dev. Services Director  
Ralph LaCivita, Comptroller  
Finance/Accounting  
Tara Norman, Chief Deputy City Clerk  
Virginia Neet, Deputy City Clerk  
George Henderson, Sergeant-at-Arms  
Pastor Arthur E. Holt

Charles Andrews  
Douglas Rankin  
Bonnie MacKenzie, Council Member-Elect  
John Nocera, Council Member-Elect  
Bill Barnett, Mayor-Elect  
See also Supplemental Attendance List  
(Attachment 1)

**Media:**

Jerry Pugh, Continental Cablevision  
Michael Cote, Naples Daily News  
David Taylor, Continental Cablevision

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

Pastor Arthur E. Holt, Unity of Naples Church

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

City Manager Richard Woodruff requested that the following items be added to the Consent Agenda:

Item 27 - After-the-Fact Purchase Order - Connect 12" Water Main on Davis Boulevard at Airport-Pulling Road

Item 28 - After-the-Fact Purchase Order - Post Office Reuse Line - Goodlette-Frank Road

Item 29 - Concrete Sidewalk Change Order - Seagate Subdivision

**MOTION by Pennington to ADD ITEMS 27, 28, AND 29 TO THE CONSENT AGENDA; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)**

**CONSENT AGENDA**

**APPROVAL OF MINUTES.....ITEM 16**

Regular Meeting of January 3, 1996; Joint Council/Planning Advisory Board Workshop Meeting of January 9, 1996; Workshop Meeting of January 16, 1996.

.....ITEM 17  
**CONSIDER AUTHORIZATION TO SUBMIT AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICES REPORT AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

.....ITEM 18  
**CONSIDER A BUDGET AMENDMENT TO COMPLETE THE AVION PARK SEWER, CANAL DREDGING, AND CURB/GUTTER PROJECT.**

.....ITEM 19  
**CONSIDER A BUDGET AMENDMENT TO COMPLETE PURCHASE OF WATER QUALITY IMPROVEMENTS AT THE WATER TREATMENT PLANT.**

.....ITEM 20  
**CONSIDER A BUDGET AMENDMENT IN CONJUNCTION WITH PRIVATIZATION OF SERVICES FOR MOVING STREET TREES.**

.....ITEM 21  
**CONSIDER AUTHORIZATION TO PURCHASE UNDER A PREVIOUSLY AWARDED BID ONE EMERGENCY STANDBY GENERATOR FOR THE COASTAL RIDGE**

**WELLFIELD.** Vendor: Superior Power Equipment Co., Inc., Fort Myers, Florida / Price: \$31,166 / Funding: Water Production Emergency Power Project #95K08.

.....**ITEM 22**  
**CONSIDER AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR A TOPOGRAPHIC SURVEY OF NAPLES OPERATION CENTER.** Contractor: Hole, Montes & Associates / Cost: \$11,400.00 / Funding: CIP Project #96J01.

.....**ITEM 27**  
**CONSIDER AUTHORIZATION TO ISSUE AN AFTER-THE-FACT PURCHASE ORDER FOR INSTALLATION OF 12" WATER MAIN ON DAVIS BOULEVARD AT AIRPORT-PULLING ROAD.** Contractor: Kyle Construction, Inc., Naples, Florida / Cost: \$10,696.65 / CIP Project #95L05.

.....**ITEM 28**  
**CONSIDER AUTHORIZATION TO ISSUE AN AFTER-THE-FACT PURCHASE ORDER FOR REUSE LINE ON EAST SIDE OF GOODLETTE-FRANK ROAD TO PROVIDE REUSE WATER SERVICE TO THE U.S. POST OFFICE.** Contractor: Kyle Construction, Inc., Naples, Florida / Cost: \$11,850.00 / Funding: CIP Project #95N08.

.....**ITEM 29**  
**CONSIDER AUTHORIZATION TO ISSUE A CHANGE ORDER FOR THE COMPLETION OF THE SEAGATE DRIVE CONCRETE SIDEWALK.** Contractor: Mitchell & Stark Construction Company, Naples, Florida / Increase: \$22,457.00 / Funding: Project #95U08.

**END CONSENT AGENDA**

***MOTION by Pennington to APPROVE CONSENT AGENDA ITEMS 16 - 22, 27, 28, and 29; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)***

**ANNOUNCEMENTS** .....**ITEM 4**  
Assistant City Manager William Harrison announced that the City of Naples had been awarded the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officer's Association and presented the award to Comptroller Ralph LaCivita.

City Manager Richard Woodruff announced that the Naples Fishing Pier Reopening Ceremony would take place on February 29, 1996 at 4:00 p.m.

(See also a presentation by Mayor Muenzer to the coach of the Naples High School Girls Basketball Team later in the meeting.)

**RESOLUTION 96-7624.....ITEM 5**  
**A RESOLUTION APPROVING CONDITIONAL USE PETITION 96-CU1, IN ORDER TO PERMIT THE CONSTRUCTION OF A DRIVE-UP WINDOW AT THE COLLIER PLACE I BUILDING, LOCATED AT 3003 TAMiami TRAIL NORTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro. (9:14 a.m.)

City Manager Richard Woodruff relayed the recommendation of staff and the Planning Advisory Board to approve this petition, subject to the conditions outlined in the resolution. Michael Bruet, representing petitioner Collier Enterprises asked for an amendment to the resolution to reflect P.N.C. Bank as the tenant.

**Public Input:** None (9:16 a.m.)

**MOTION by Pennington to APPROVE Resolution 96-7624 TO INCLUDE THE CONDITIONS ESTABLISHED BY THE P.A.B. AND AMENDED IN SECTION 2 (3) TO ACKNOWLEDGE P.N.C. BANK AS THE TENANT; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)**

**RESOLUTION 96-7625.....ITEM 7**  
**A RESOLUTION HOLDING A PUBLIC HEARING REGARDING SETTLEMENT OF DISTRICT COURT CASE CRYSTAL A. BUZZELL VS. THE CITY OF NAPLES, FLORIDA, PAUL C. REBLE AND ROBERT G. NEWLAND FOR THE SUM OF \$3,600, WITHOUT ADMISSION OF LIABILITY; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro. (9:18 a.m.)

City Attorney Chiaro referred to her memorandum dated February 1, 1996 which outlined the basis of this lawsuit and the conditions under which this hearing was being held. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) She also explained that State law requires a public hearing prior to settlement whenever a lawsuit is filed against a public entity and this resolution would authorize this public hearing.

**Public Input:** None (9:19 a.m.)

**MOTION by Sullivan to APPROVE Resolution 96-7625 as submitted; seconded by Pennington and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)**

**RESOLUTION (Tabled) .....ITEM 10**  
**A RESOLUTION AUTHORIZING A DREDGE AND FILL PERMIT TO EXCAVATE APPROXIMATELY 500 CUBIC YARDS OF UPLAND SOIL AND 30 CUBIC YARDS OF CANAL BOTTOM SEDIMENT, TO BULKHEAD THE NEWLY-CREATED SHORELINE,**

**AND TO PLACE RIPRAP WATERWARD OF THE BULKHEAD, IN ORDER TO CREATE AN INDENTED BOAT SLIP 20 FEET IN DEPTH AND 120 FEET IN WIDTH AT 3989 GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro. (9:19 a.m.)

City Manager Richard Woodruff referred to the memorandum prepared by Natural Resources Manager Jon Staiger and relayed his recommendation for approval subject to the condition contained in the proposed resolution. (A copy of this material is contained in the file for this meeting in the City Clerks Office.)

Bill Bourdier, agent for the petitioner, responded to Council stating that the dredge material would most likely go to the local dump. He also explained that two boats would occupy the proposed dock.  
**Public Input:** (9:21 a.m.)

**Dan Nester, Sabre Cay**

Mr. Nester said he owned the adjacent property and expressed concern about the shoulder-to-shoulder construction of the seawall and its potential for failure at the property line. Mr. Nester described the proposed 95 foot boat dock (overall 120 feet) as excessive since it is on a narrow, dead-end canal which cannot accommodate a boat in excess of 40 to 45 feet. He also noted that the proposed dock was inconsistent with other smaller boat docks on the canal and urged Council not to consider the request.

**Gen. Roland Anderson, 11 Sabre Cay**

Gen. Anderson stated that his property is across the canal from the petitioner's and noted that the proposed dock would be on a 50 foot canal, not Champney Bay as described in the drawings submitted to Council. He expressed concerns about the enormity of the proposed dock and strenuously objected to the petition as submitted. Gen. Anderson then asked Council to continue the matter to allow the neighbors and the petitioner to come to an agreement.

**Public Input Closed:** (9:30 a.m.)

Natural Resources Manager Jon Staiger reviewed the petition and explained that the side yard setback would not apply to an excavated boat slip. He said the concerns raised by the neighbors could be addressed by moving the construction commencement point south from the property line but noted that this would shorten the boat slip by 8-12 feet. Dr. Staiger further explained that, should Council decide to shorten the length of the cut, it would not impede the Department of Environment Protection permitting process. Vice Mayor Korest noted the inconsistency between the proposed rear yard encroachment and the original plat and also commented on the potential problems of accommodating large boats in the smaller waterways. Mayor Muenzer questioned whether the canal was deep enough for such a large boat, and Council Member Sullivan commented that since no vessel larger than 45 feet can turn in the canal, a 50 foot dock would be sufficient.

**MOTION by Korest to TABLE ITEM 10 FOR AT LEAST TWO REGULAR**

**MEETINGS TO ALLOW FURTHER STAFF REVIEW;** *seconded by Pennington. After the discussion which appears below, this motion carried 7-0. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)*

*A prior motion by Sullivan, seconded by Van Arsdale, to approve the resolution as amended to allow 55 feet for the total dock area with the midpoint of the 55 feet to be at the midpoint of the proposed 95 foot expanse was superseded by the motion to table.*

Vice Mayor Korest commented that Council should not do the engineering for the dock and suggested further staff review. Mayor Muenzer asked for further research regarding the canal's depth and Council Member Tarrant also expressed concerns about the magnitude of the project.

**RESOLUTION 96-7626.....ITEM 6**  
**A RESOLUTION GRANTING VARIANCE PETITION 96-V4, IN ORDER TO PERMIT THE CONSTRUCTION OF A POOL, SPA, AND BALCONY IN THE REAR YARD SETBACK AREA OF THE COMFORT INN, LOCATED AT 1221 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro. (9:51 a.m.)

Attorney Kim Patrick Kobza, representing the Gordon River Hotel Associates (owner of the Comfort Inn), stated that all requirements set forth in Section 86-205 of the Comprehensive Development Code had been met and the Planning Advisory Board had unanimously endorsed the petition. He explained that construction along U.S. 41 by the Florida Department of Transportation had necessitated the relocation of the Comfort Inn pool and noted that the new location would not affect the proposed boardwalk along the waterway. The pool, he added, was a condition of the hotel's franchise agreement and was necessary in order to maintain the economic viability of the hotel. Attorney Kobza also indicated that Tin City Partners did not object to the variance.

**Public Input:** None (9:54 a.m.)

**MOTION** *by Pennington to APPROVE Resolution 96-7626 as submitted; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)*

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**At this time, Mayor Muenzer read a proclamation and recognized Dave Walker, coach of the Naples High School Girls Basketball Team, for his record of 300 wins.**

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**RESOLUTION 96-7627.....ITEM 8**  
**A RESOLUTION GRANTING VARIANCE PETITION 96-V3 IN ORDER TO PERMIT THE CONSTRUCTION OF A FIVE-FOOT HIGH PICKET FENCE AND FOUR AND FIVE-FOOT HIGH CHAIN LINK FENCES IN THE FRONT YARD SETBACK AREAS OF**

**THE PROPERTY AT 2600 GORDON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro. (10:00 a.m.)

City Manager Richard Woodruff distributed copies of letters from the adjacent property owners expressing their support for the petition. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

John Remington, agent for the petitioner, reviewed the request to install a five-foot chain link along the south property line, a five foot ornamental aluminum fence on the street side, and a four-foot decorative aluminum fence at the property's seawall. Mr. Remington noted that the south fence would be enclosed by existing shrubbery and the variance only applied to last 30 feet toward Gordon Drive. He also pointed out that the petition requested a four-foot chain link fence on the property's seawall, however, a decorative fence would be installed. Mr. Remington indicated that this four-foot fence would afford the property owner some protection from beachgoers and relayed the petitioner's willingness to stipulate to perpetual landscaping along the eastern and southern fences. He also noted other variances for five and six foot fences in the area; however, City Attorney Chiaro stated that the granting of this variance petition should be based on unique circumstance and not because other variances were granted.

In response to Council, Planner Flinn Fagg explained that both the street side and the Gulf side are considered front yards and are limited to a three-foot fence. Vice Mayor Korest questioned whether a four-foot fence on the west side would be any more effective than a three-foot fence and said it would create a walled effect along the beach. Council Member Pennington also indicated that there was no justification for the variance and suggested that the issue be addressed in the Comprehensive Planning Process. Council Members Sullivan and Tarrant, however, agreed with the petitioner that a four-foot fence along the Gulf would provide more security. Council Member Sullivan added that issue could be addressed during the Comprehensive Plan update, but the petitioner should not be penalized in the interim.

**Public Input:** None (10:18 a.m.)

**MOTION by Van Arsdale to APPROVE Resolution 96-7627 AS AMENDED TO REQUIRE PERPETUAL LANDSCAPING ON THE EAST AND SOUTH SIDES;** seconded by Sullivan and carried 4-3. (Korest-no, Pennington-no, Prolman-no, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

*A prior motion by Korest and seconded by Prolman to approve the variance as amended to allow a three-foot aluminum picket fence on the west side and require perpetual landscaping on the east and south sides failed 2-5. (Korest-yes, Pennington-no, Prolman-yes, Sullivan-no, Tarrant-no, Van Arsdale-no, Muenzer-no)*

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**Break 10:21 a.m. - 10:26 a.m.** It is noted for the record that the same Council Members were present when the meeting reconvened.

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**RESOLUTION 96-7628.....ITEM 9**  
**A RESOLUTION GRANTING ALLEY VACATION PETITION 96-AV1, VACATING THE EASTERN 170 FEET OF THE EAST/WEST ALLEY LOCATED IMMEDIATELY SOUTH OF THE PROPERTY ADDRESSED AS 990 DIANA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Richard Woodruff. (10:26 a.m.)

Petitioner Mark Crowley stated that he was requesting this alley vacation in order to construct a residence on Diana Avenue and urged Council to support the petition.

Buddy Smith, 5170 10th Avenue S.W., provided background regarding the property and explained that the legal description had been incorrect since 1958 and the City, in fact, still owned the alley. Mr. Smith explained that the error was discovered during a title search and the alley had never been developed or used as an alleyway. City Manager Richard Woodruff rescinded his earlier recommendation for denial and recommended approval conditioned upon the provision of an easement. In response to Council, Planner Flinn Fagg confirmed that United Telephone, Florida Power & Light, and Continental Cablevision voiced no opposition to the vacation and stated that this alley extends from U.S. 41 to Tenth Street; however, only the eastern 170 feet would be vacated.

**Public Input:** None (10:29 a.m.)

***MOTION*** by Sullivan to ***APPROVE*** Resolution 96-7628 as submitted; seconded by Tarrant and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

**ORDINANCE 96-7629.....ITEM 13**  
**AN ORDINANCE ADDING SUBSECTION (f) TO SECTION 50-85 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO INCLUDE A PROVISION REGARDING THE MODIFICATION OF COLLECTIVE BARGAINING AGREEMENTS DUE TO FINANCIAL URGENCY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Attorney Chiaro. (10:33 a.m.)

City Manager Richard Woodruff stated that this ordinance was approved on first reading on January 17, 1996 and relayed staff's recommendation for adoption on second reading.

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

***MOTION*** by Pennington to ***ADOPT*** Ordinance 96-7629 on second reading; seconded by Tarrant and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)



**ORDINANCE 96-7630.....ITEM 14**  
**AN ORDINANCE AMENDING SUBSECTION (c) OF SECTION 106-235 OF THE**  
**COMPREHENSIVE DEVELOPMENT CODE BY ADDRESSING TRIMMING AND**  
**REMOVAL OF NOXIOUS PLANTS; PROVIDING A SEVERABILITY CLAUSE, A**  
**REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Attorney Chiaro.  
(10:34 a.m.)

City Manager Richard Woodruff stated that this ordinance was approved on first reading on January 17, 1996 and relayed staff's recommendation for adoption on second reading.

**Public Input:** None (10:34 a.m.)

***MOTION*** by Prolman to ***ADOPT*** Ordinance 96-7630 on second reading;  
seconded by Pennington and carried 6-1. (Korest-yes, Pennington-yes, Prolman-  
yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes)

.....**ITEM 15**  
**CONSIDER AUTHORIZATION TO PURCHASE FROM A SOLE SOURCE SEWER**  
**RELINING AND REHABILITATION SERVICES.** Contractor: Madsen/Barr Corporation, Fort  
Lauderdale, Florida / Cost: \$176,034.00 / Funding: CIP Project #96N04. (10:35 a.m.)

City Manager Richard Woodruff explained that this was a sole source purchase request since the product to be used is only offered through specific companies with franchise agreements. He said the City had previously approved a bid from this company for work on 18th Avenue South and relayed staff's recommendation for authorization.

**Public Input:** None (10:38 a.m.)

***MOTION*** by Pennington to ***APPROVE*** Item 15 as submitted; seconded by  
Sullivan and unanimously carried, all members present and voting. (Korest-yes,  
Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes,  
Muenzer-yes)

**RESOLUTION (Denied) ..... ITEM 11-a**  
**A RESOLUTION GRANTING ADMINISTRATIVE APPEAL 96-AA1, OVERRULING**  
**THE INTERPRETATION OF THE PLANNING DIRECTOR AS TO THE**  
**NONCONFORMING STATUS OF LOT 7-A, OYSTER BAY SUBDIVISION, UNIT #3,**  
**AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro. (10:38 a.m.)

City Attorney Chiaro stated that this item may be considered part of a quasi-judicial proceeding and asked Council Members to disclose any conversations or contact they may have had with any persons regarding Items 11-a, 11-b, 12-a, and 12-b. She explained that this disclosure did not include written communications which are part of the record. Council Member Sullivan stated that he had discussed the matter with the City Manager during the review of the agenda. The other

Council Members reported no contact or conversations.

Attorney Douglas Rankin, representing the petitioner, distributed copies of deeds and asked that they be made part of the record (Attachment 2). He then noted that Lot 1, of this subdivision, was not waterfront as represented during the January 10, 1996 Planning Advisory Board meeting. Mr. Rankin referred to the original plat of the subdivision and pointed out that it did not restrict ownership or development of the smaller "A" numbered lots to the corresponding numbered lots. Additionally, he noted that there was no recorded document which legally linked the two lots and said that there had never been a time when ownership of all "A" numbered lots corresponded with the numbered lots. Mr. Rankin said the subject lots were the only "A" numbered lots without boats docks and contended it would be inverse condemnation to deny the proposed development. Mr. Rankin stated that the variance requests were based on the following: 1) the situation was not created by the applicants; 2) the properties were unique, and; 3) proposed development of the lots (boat docks) was consistent with existing development. Mr. Rankin then referred to the May, 1994 *Florida Bar Journal*, the November, 1995 Florida Bar "Actionline", and an excerpt of transcript of proceedings from the January 10, 1996 P.A.B. meeting. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Petitioner Jerry Triplett confirmed the representations made by Attorney Rankin and stated that the boat dock proposed for Lot 6A was no different from existing docks in the area. He said at the time he purchased Lot 6A, he was not aware of any correlation to Lot 6 and noted that Lot 6 was part of a condominium complex.

L.L. Hampton, 2368 41st Street S.W., stated that he prepared the original plat for the subdivision and was also involved in the planning process. In response to Attorney Rankin, Mr. Hampton stated that, at the time the subdivision was developed, the intent was to make all of the lots waterfront and the small "A" numbered lots were platted to accommodate non-waterfront lots. He also confirmed that, at the time of plat, the City and County did not require the "A" numbered lots be tied to the corresponding numbered lots.

Petitioner Missi Triplett asked Council to take a common sense approach to this variance request since it would be impossible to go back 25 or 30 years to correct the plat.

**Public Input:** (11:30 a.m.)

**John Rigsbee, 1085 Sandpiper Street**

Mr. Rigsbee stated that he owned Lot 2 and Lot 2A and did not oppose the variance. In response to Council, Mr. Rigsbee stated that when he purchased Lot 2, he knew Lot 2A was part of the transaction; however, it was his understanding that the lots could be deeded separately.

**Public Input Closed:** 11:32 p.m.

City Attorney Chiaro clarified that this issue involved development and not ownership rights to the

property and said staff's interpretation was that development of the "A" numbered lot must be tied to the primary lot.

Council Member Van Arsdale commented that it was obviously the intention of the developer to tie the larger and smaller lots together, but said it really did not make any difference at this point. Council Member Pennington indicated that the property was not unique and questioned whether the property owners were aware of zoning restrictions when they acquired the lots. Council Member Tarrant, however, said that he could not see any negative implications of the variance. After further Council discussions, it was determined that the Administrative Appeals (Items 11-a and 12-a) would be denied and relief would be granted through approval of the variance requests (Items 11-b and 12-b).

***MOTION by Tarrant to DENY Item 11-a; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)***

**RESOLUTION 96-7631.....ITEM 11-b  
A RESOLUTION GRANTING VARIANCE PETITION 96-V1 IN ORDER TO PERMIT  
THE CONSTRUCTION OF A BOAT DOCK ON LOT 7-A, OYSTER BAY SUBDIVISION  
UNIT #3; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.  
(11:44 a.m.)**

**Public Input:** None (11:44 a.m.)

***MOTION by Tarrant to APPROVE Resolution 96-7631 as submitted; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)***

**RESOLUTION (Denied).....ITEM 12-a  
A RESOLUTION GRANTING ADMINISTRATIVE APPEAL 96-AA2, OVERRULING  
THE INTERPRETATION OF THE PLANNING DIRECTOR AS TO THE  
NONCONFORMING STATUS OF LOT 6A, OYSTER BAY SUBDIVISION, UNIT #3; AND  
PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:45 a.m.)**

**Public Input:** None (11:45 a.m.)

***MOTION by Pennington to DENY Item 12-a; seconded by Van Arsdale and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)***

**RESOLUTION 96-7632.....ITEM 12-b  
A RESOLUTION GRANTING VARIANCE PETITION 96-V2 IN ORDER TO PERMIT  
THE CONSTRUCTION OF A BOAT DOCK ON LOT 6-A, OYSTER BAY SUBDIVISION  
UNIT #3; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.  
(11:46 a.m.)**

**Public Input:** None (11:46 a.m.)

***MOTION*** by Sullivan to ***APPROVE*** Resolution 96-7632 as submitted; seconded by Tarrant and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

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**Break 11:47 a.m. - 11:55 a.m.** It is noted for the record that the same Council Members were present when the meeting reconvened.

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.....ITEM 23  
**CANVASS RESULTS OF GENERAL ELECTION OF FEBRUARY 6, 1996, AND  
DECLARATION OF RESULTS.** (11:55 a.m.)

Canvassing Board Chairman Fred Sullivan read the Certificate of the City of Naples Canvassing Board into the record (Attachment 3).

***MOTION*** by Sullivan to ***APPROVE AND ACCEPT*** Item 23 as submitted; seconded by Pennington and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

At this time, City Manager Richard Woodruff recognized former Mayors in attendance: Kim Anderson, Stanley Billick, Gen. R.B. Anderson, and Edwin Putzell, Jr. and also acknowledged the former Council Members present. On behalf of the City, Dr. Woodruff presented keepsakes to Mayor Muenzer, Vice Mayor Korest, and Council Members Pennington and Van Arsdale.

.....ITEM 24  
**SWEARING IN OF CITY COUNCIL MEMBERS BY THE HONORABLE WILLIAM L.  
BLACKWELL.** (12:07 p.m.)

The Honorable William L. Blackwell administered the oath of office to newly elected City Council Members Bonnie MacKenzie, John Nocera, and Peter Van Arsdale and Mayor-Elect Bill Barnett.

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**Passing of Gavel Mayor-Elect** (12:12 p.m.)

**Roll Call of the New Naples City Council - All Members Present**

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**RESOLUTION 96-7633.....ITEM 25  
ELECTION OF VICE MAYOR**

Council Members were asked to submit written nominations for Vice Mayor. Mayor Barnett announced that there were five nominations for Council Member Prolman and two nominations for Council Member Sullivan. Council Member Sullivan declined the nomination and requested an

unanimous vote in favor of Marjorie Prolman as Vice Mayor.

***MOTION by Sullivan to APPOINT MARJORIE PROLMAN AS VICE MAYOR; seconded by Van Arsdale and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)***

At this time, Mayor Barnett asked that a member of City Council be designated to serve as the City's representative on the Southwest Florida Regional Planning Council.

***MOTION by Van Arsdale to NOMINATE FRED L. SULLIVAN TO THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL; seconded by MacKenzie and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)***

.....ITEM 26  
**SWEARING IN OF VICE MAYOR BY THE HONORABLE WILLIAM L. BLACKWELL.**  
(12:25 p.m.)

The Honorable William L. Blackwell administered the oath of office to Vice Mayor Marjorie Prolman.

**ADJOURNED** .....  
12:27 p.m.

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Paul W. Muenzer, Mayor

Tara A. Norman  
Chief Deputy City Clerk

Virginia A. Neet  
Deputy City Clerk

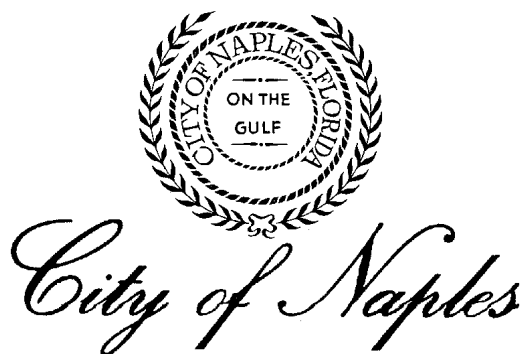
**City Council Regular Meeting - February 7, 1996**

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Minutes approved: 2/21/96

Supplemental Attendance List

Dudley Goodlette  
Barbara Goodlette  
The Honorable William L. Blackwell  
Guy Carlton  
Gen. R.B. Anderson  
Stanley Billick  
Edwin Putzell, Jr.  
Virginia Corkran  
John Passidomo  
Pam Mac'Kie  
Kim Patrick Kobza  
L.I. Buddy Smith  
Mark Crowley  
Maria Crowley  
Dan Nester  
John Rigsbee  
Missi Triplett  
L.L. Hampton  
Jerry Triplett  
Herb Anderson  
Michael Bruet  
Bill Bourdier  
Mary Elen Bundschu Burnup  
Chris Bundschu  
John Norris, Collier County Commissioner  
Pamela Arsenault  
AAA Court Reporting  
Henry Watkins  
Dave Walker  
Robert Sitta



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### City Council Regular Meeting

February 7, 1996

Convened 9:00 a.m. / Adjourned 12:27 p.m.

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