

**Annotated**  
**Naples City Council Agenda**  
**City Council Chamber, 735 Eighth Street South, Naples, Florida**

**Mayor: Bill Barnett**

**Vice Mayor: Bonnie R. MacKenzie**

**City Council: Fred W. Coyle, Joseph Herms, John R. Nocera, Fred Tarrant, Peter H. Van Arsdale**

**City Attorney: Kenneth B. Cuyler · City Clerk: Tara A. Norman · City Manager: Dr. Richard L. Woodruff**

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Welcome to today's City Council meeting. If you wish to address the Council regarding an item listed on this agenda, please complete a registration form at the rear of the room and place it in the Speaker Request Box located on the Council dais prior to consideration of that item. We ask that speakers limit their comments to 4 minutes and that large groups name a spokesperson whenever possible. Thank you for your interest and participation in City government.

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**Regular Meeting**  
**Wednesday, January 6, 1999**  
**Convene 8:58 a.m./Adjourn 12:53 p.m.**

All proposed ordinances and information on other items listed below, which have been provided in advance of this meeting, may be inspected in the office of the City Clerk, Room B, City Hall, or at the Collier County Public Library Research Section, 650 Central Avenue. See also City of Naples home page <http://www.naples.net/govern/city/index.htm> or call the City Clerk's Office, 434-4701. All written, audio-visual and other materials presented to the City Council in conjunction with deliberations during this meeting will become the property of the City of Naples and will be retained by the City Clerk.

1. Roll call – *Council Member Herms arrived at 9:01 a.m. and Council Member Van Arsdale arrived at 9:02 a.m.*
2. Invocation and Pledge of Allegiance – *Reverend Arthur Holt, Unity Church of Naples*
3. Announcements  
*At this time, Mayor Barnett stated that former City Manager Vincent Wood and former City Engineer Gerald Gronvold had recently passed away.*
4. Items to be added – *City Manager Richard Woodruff requested that the following items be added to the agenda:*

**Item 20** – *Consider amending Resolution 98-8373, which vacated an easement at 681 Goodlette Road North, in order to correct a scrivener's error.*

**Item 21** – *Consider a resolution opposing House Bill 3075 which affects local police and fire pensions.*

**Item 22** – *Consider a special event permit application for Campiello Ristorante, 1177 Third Street South, 1/6 – 2/6/99.*

***Set Agenda and Add Items 20, 21, 22/Herms/Nocera/6-0 (Van Arsdale absent)***

## Scheduled Agenda Items

Some of the items on the following agenda may have been scheduled for an estimated time. (See Scheduled Agenda Items Section at the end of this agenda.) This schedule will be followed as closely as possible for the convenience of any citizen(s) wishing to address the Council. Items not listed at an estimated time will be considered at the discretion of the Council and may be taken out of numerical order.

### Consent Agenda

5. All matters taken under this section are considered routine, and action will be taken by one motion. There will be no separate discussion of these items. If discussion is desired, that item(s) will be removed from the Consent Agenda and considered separately.

*Approve Consent Agenda/Nocera/Van Arsdale/7/0*

- 5-a. Approval of Minutes

*Approved 12/2/98 Regular Meeting and 12/14/98 Workshop Meeting/Nocera/Van Arsdale/7-0*

### •Special Events Committee

- 5-b. Approve the following special event:

Island Club Light Jazz Poolside - 1/4, 1/11, 1/18, 1/25 (*Approval is required pursuant to Council's direction of 12/16/98*)

*Approved Nocera/Van Arsdale/7-0*

### •Budget Amendment •Human Resources

- 5-c. Consider a budget amendment in the amount of \$50,000.00 in order to provide for labor attorney fees.

*Approved Nocera/Van Arsdale/7-0*

### •Purchase Order •Development Services

- 5-d. Authorize the purchase of 24 traffic counters for Y2K compatibility and the collection of traffic data \ Vendor: Control Specialists Co., Winter Park, Florida \ Amount: \$26,550.00 \ Funding: CIP #99U05.

*Approved Nocera/Van Arsdale/7-0*

### End Consent Agenda

### •Second Reading of an Ordinance •Resolution •Voluntary Annexation Agreement Petition 98-AX1 •Development Agreement Petition 98-D2 •Petitioner: Grand Inn By The Airport •Agent: Michael R. Fernandez

6. Consider the following as it relates to a 5.22 acre parcel located on the north side of Davis Boulevard immediately east of the City limits:

- Planning Advisory Board recommendation for approval
- Approved on First Reading 12/2/98
- Continued from 12/16/98

- 6-a. **Public Hearing** to consider a voluntary annexation into the City; and

**98-8425/Van Arsdale/Nocera/5-2 (Coyle, Herms dissenting)**

- 6-b. A development agreement for construction of a 136-unit transient lodging facility with a 2,000 square foot meeting space and a 6,600 square foot restaurant.

**99-8440/Amended to require provision in development agreement that project is a non-assignable entity/Van Arsdale/Nocera/5-2(Herms, Coyle dissenting)**

*(The current principals involved will complete project. A name change is allowable if substantially the same entity).*

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- Resolution
  - Conditional Use Petition 98-CU24
  - Petitioner: First Christian Church, Disciples of Christ
  - Agent: Andrea Clark Brown
  - Planning Advisory Board recommendation for approval

7. Consider a conditional use to allow expansion of church facilities and a childcare program in the "PS," Public Service District at 1789 Mandarin Road.

**99-8441/Amended to include stipulation that trees are planted on the west side of the property in compliance with the City's Street Tree Master Plan/Herms/Nocera/7-0**

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- First Reading of 2 Ordinances
  - Comprehensive Plan Amendment Petition CPASS3
  - Rezone Petition 98-R10
  - Petitioners Timothy and Janet Conroy
  - Agent: McAnly Engineering and Design
  - Planning Advisory Board recommendation for approval

8. Consider the following as it relates to property located at 669 9<sup>th</sup> Avenue South (current location of the Collier County Chapter of the American Red Cross) in order to subdivide the property into 3 single-family lots:

- 8-a. Change the Future Land Use Map of the Comprehensive Plan from "Public, Semi Public Institutional" to "Low Density Residential".

**Approved/Van Arsdale/Mackenzie/7-0**

- 8-b. Rezone the property from "PS," Public Service to "R1-7.5," Residence District.

**Approved/Van Arsdale/Nocera/7-0**

*(Petitioner will provide alternate subdivision plat plans when actual subdivision request is presented).*

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- Resolution
- Request for Private Access Easement
- Owner: Martin Wasmer, Trustee
- Agent: Dennis Cronin, Esquire
- Staff recommendation for approval

9. Consider approving a private vehicular access easement that will serve as the primary access to a lot to be created by subdividing property located at 3505 Gordon Drive.

*99-8442/Van Arsdale/Nocera/7-0*

- Resolution
- Waiver of Distance Petition 98-WD2
- Petitioner: The Heaven Group, L.C.
- Staff recommendation for denial

10. Consider a waiver to permit the sale of liquor at 2950 9th Street North, within 500 feet of an existing liquor licensee.

*99-8443/Van Arsdale/Nocera/5-2(Coyle, MacKenzie dissenting)*

- Resolution
- SAC Waiver Petition 99-1
- Petitioner: Total Body Salon and Spa
- Staff Action Committee recommendation for approval

11. Consider a waiver from Section 102-1095(c)(2) of the Code of Ordinances (5th Avenue South Special Overlay District) in order to permit a 450-sq. ft. beauty salon on the 3rd floor of the Inn of Naples, 699 5th Avenue South.

*99-8444/Nocera/Herms/5-2(Coyle, MacKenzie dissenting)*

- Resolution
- SAC Waiver Petition 99-2
- Petitioner: Paddy Murphy's Irish Pub
- No recommendation from the Staff Action Committee

12. Consider a waiver from Section 102-1095(b)(4) of the Code of Ordinances (5th Avenue South Special Overlay District) in order to permit a storage shed 33 feet from the center of the alley at 457 5th Avenue South.

*Denied/Herms/Van Arsdale/6-1(Tarrant dissenting)*

- First Reading of an Ordinance
- Text Amendment Petition 98-T11
- Petitioner: City of Naples
- Planning Advisory Board recommendation for approval

13. Consider amending Section 102-538, "Maximum Height," of the Code of Ordinances in order to modify how boat storage buildings are measured.

*Approved/Nocera/MacKenzie/6-1(Coyle dissenting)*

*(A future workshop is planned to review building heights of existing facilities and setbacks in the C-2A zoning district).*

- First Reading of an Ordinance
- Text Amendment Petition 98-T12
- Petitioner: City of Naples
- Planning Advisory Board recommendation for approval

14. Consider amending Subsections 106-39(b)(1)(a) and 106-39(b)(2) of the Code of Ordinances in order to correct a wording error and adding Subsection 106-39(b)(2)(g) in order to define additional standards for signs that are exempt from permit requirements.

*Approved/Nocera/Van Arsdale/7-0*

- First Reading of an Ordinance
- Text Amendment Petition 98-T10
- Petitioner: City of Naples
- Planning Advisory Board recommendation for approval

15. Consider amending Section 78-170, "Definitions," of the Code of Ordinances in order to permit ferryboats and to provide a definition of water taxi.

*Approved as amended, with stipulation that water taxis are to be defined as equivalent to automotive taxis and as such also require Council approval/Herms/Coyle/7-0*

*Council suggested a subsequent ordinance to address water taxi parking requirements.*

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- First Reading of an Ordinance
  - Text Amendment Petition 98-T13
  - Petitioner: City of Naples
  - PAB recommendation that final approval for valet parking and parking needs analysis be granted by the PAB

16. Consider amending Sections 86-201.1(b), 86-203(c)(6), 86-205(c)(1), 106-103(e)(2), 106-107(c) of the Code of Ordinances in order to require an affirmative vote of 5 City Council Members for zoning district text amendments, rezones, conditional uses, and variances which have the effect of increasing or decreasing permitted building heights or density beyond existing zoning or have the effect of reducing or increasing parking requirements and to require an affirmative vote of 5 City Council Members to approve a valet parking plan and a parking needs analysis.

*Approved Herms/MacKenzie/6-1 (Van Arsdale dissenting)*

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- Resolution
  - Human Resources

17. **Public Hearing** to consider a Settlement Agreement and Mutual Release in the total amount of \$28,000.00 pertaining to the wrongful termination claim of Thomas G. Sepanski.

*99-8445/Herms/Coyle/6-0 (Barnett absent)*

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- Resolution
  - Human Resources

18. **Public Hearing** to consider a settlement agreement/release in the total amount of \$65,000.00 as full settlement in Circuit Court Case 97-430-CIV-FtM-26D (Walsh vs. City of Naples).

*99-8446/Herms/Tarrant/6-0 (Barnett absent)*

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- Reconsideration authorized on 12/16/98 pursuant to Reconsideration Policy (Resolution 98-8218)
- Requested by Council Member Tarrant

19. Reconsider a request from the Port Royal Property Owners' Association to indefinitely continue consideration of the Underground Utility Project for Port Royal.

*Council directed City Attorney Cuyler to draft letter to Florida Power and Light requesting return of \$65,000.00 remitted for engineering study with the understanding that if project later goes forward, the City will again remit this fee/Tarrant/Herms/5-2(Van Arsdale, Barnett dissenting)*

- Resolution
- City Manager

20. Consider amending Resolution 98-8373 which vacated an easement at 681 Goodlette Road North in order to correct a scrivener's error.

*99-8439/Van Arsdale/Nocera/7-0*

- Resolution
- Council Request

21. Consider a resolution opposing House Bill 3075 which affects local police and fire pensions.

*99-8447/Herms/Nocera/7-0*

- Special Event Committee

22. Consider a special event permit application for Campiello Ristorante, 1177 Third Street South, 1/6 – 2/6/99.

*Approved/Van Arsdale/Nocera/7-0*

*At Council Member Herms' request, staff was directed to take decibel readings at both the nearby Tommy Bahama's and this restaurant.*

*A prior motion by Vice Mayor MacKenzie to continue this item to the next meeting (in order to determine Tommy Bahama's hours) was withdrawn.*

### Correspondence and Communications

*It was the consensus of Council (Van Arsdale/Nocera with Herms dissenting) to accept the noise modifications instituted and allow the Naples Depot to continue its daily noon air whistle. City Manager Woodruff relayed that a joint meeting with the Board of County Commissioners is slated for February 1<sup>st</sup> at 2:00 p.m., pending County approval. It was the consensus of Council to retain Kim Boyd as Chairman of the Naples Bay Project Committee even though she has relocated her business outside City limits (Coyle, Tarrant, and Herms dissenting). A future workshop is planned to review building heights of existing facilities and setbacks in the C-2A Zoning District. Council Member Coyle proposed that Council develop a zoning code to comply with a State statute banning the construction of schools and churches in airport landing paths. Council Member Nocera stated that he will address the local legislative delegation on January 13th in an attempt to amend State law relative to prohibiting children from riding in the back of pickup trucks. Council Member Herms*

*asked that the President's Council receive a copy of the tree planting program status at its January 25<sup>th</sup> meeting.*

**Open Public Input - None**

**Adjourn – 12:53 p.m.**

*Items were considered in the following order:*

**1,2,3,4,5a–5d,20,6-a,6-b,7,8a,8b,9,10,11,12,13,14,15,16,17,18,19,21,22**