



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Regular Meeting – May 5, 1999 – 9:00 a.m.**

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Mayor Barnett called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

**Present:** Bill Barnett, Mayor  
Bonnie R. MacKenzie, Vice Mayor  
Council Members:  
Fred Coyle  
Joseph Herms  
John Nocera  
Fred Tarrant  
Peter H. Van Arsdale

**Also Present:**

Richard L. Woodruff, City Manager  
Kenneth B. Cuyler, City Attorney  
Tara Norman, City Clerk  
Ron Lee, Planning Director  
Jon Staiger, Natural Resources Manager  
William Harrison, Assistant City Manager  
Susan Wiesing, Human Resources Director  
Lori Burke, Asst. Human Resources Director  
Robert Middleton, Utilities Director  
William Taylor, Assistant Building Official  
Cory Ewing, Planner  
Jessica Rosenberg, Recording Specialist  
Brenda Brown, Admin. Specialist  
Duncan Bolhover, Admin. Specialist  
Werner Haardt

Arlene Guckenberger  
Cheryl Coyle  
Father Tabbert  
George Page  
Dwight Thomas  
Robert Hall  
Leo Salvatori  
Steven Pierce  
Amy Rego  
Richard Yovanovich  
Michael Volpe  
Other interested citizens and visitors  
**Media:**  
AnneElena Foster, Naples Daily News

**INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2**

Father Robert Tabbert, St. Ann Catholic Church

**ANNOUNCEMENTS .....ITEM 3**

"Naples Tourism Week" Proclamation – Mayor Barnett designated May 2<sup>nd</sup> through May 8<sup>th</sup> as Naples Tourism Week.

Assistant Human Resources Director Lori Burke announced that the City had received the First Annual “Family Friendly Business Designation Award” from the Naples Alliance for Children for its program allowing mothers to bring newborns to work.

In observance of National Drinking Water Week, Utilities Director Robert Middleton presented awards to local student winners of the “American Waterworks Drop Savers Poster Contest”.

**ITEMS TO BE ADDED .....ITEM 4**

Item 12 Consider waiving competitive bidding and issuing a purchase order for a message switch software module for use by the Police & Emergency Services Department \ Vendor: Vision Software, Inc., Castle Hayne, North Carolina \ Cost: \$23,745.00 \ Funding: CIP #98HO9.

Item 13 Consider a purchase order to reconstruct 6<sup>th</sup> Avenue South from 8<sup>th</sup> Street South to 12<sup>th</sup> Street South (including all side streets) \ Vendor: Better Roads, Inc., Naples, Florida \ Cost: \$759,249.17 \ Funding: CIP #s 98U21, 98V05, 99Y05.

**MOTION by Herms to SET THE AGENDA AND ADD ITEMS 12 AND 13;**  
**seconded by Nocera and unanimously carried, all members present and**  
**voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van**  
**Arsdale-yes, Barnett-yes).**

**CONSENT AGENDA**

**APPROVAL OF MINUTES .....ITEM 5-a**

April 7, 1999 Regular Meeting and April 19, 1999 Workshop Meeting.

**CONSIDER THE FOLLOWING SPECIAL EVENTS ..... ITEM 5-b**

- 1) Children’s Safety Fair – 6/5
- 2) First Baptist Church of Naples Student Choir Concert – 6/13

**.....ITEM 5-c**

**AUTHORIZE A BUDGET AMENDMENT IN THE AMOUNT OF \$53,793.00 FOR RENOVATIONS TO THE EXISTING POLICE & EMERGENCY SERVICES BUILDING.** City Manager Richard Woodruff indicated that the new Police & Emergency Services building is located directly behind the existing building, and in that order to aesthetically unite the two buildings, certain other improvements to the existing building should be made. These include exterior pressure cleaning, painting, installing two new doors, carpeting and flooring. He added that construction expenses were paid by confiscation funds and by impact fees.

**RESOLUTION 99-8533..... ITEM 5-d**

**A RESOLUTION AUTHORIZING APPLICATION FOR A STATE REVOLVING FUND LOAN TO FINANCE THE CONSTRUCTION OF STORMWATER FACILITIES; PROVIDING ASSURANCES; ESTABLISHING PLEDGED REVENUES; DESIGNATING THE CITY MANAGER AS AN AUTHORIZED REPRESENTATIVE; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 99-8534.....ITEM 5-e**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, BETWEEN HARTMAN & ASSOCIATES, INC., AND THE CITY OF NAPLES, FOR THE PREPARATION AND**

**SUBMITTAL OF THE CITY'S WATER USE PERMIT APPLICATION, AND PROVIDING AN EFFECTIVE DATE.** Title not read. City Manager Richard Woodruff confirmed that Hartman & Associates would emphasize the City's conservation efforts in the Water Use Permit application.

..... **ITEM 5-f**  
**AUTHORIZE THE PURCHASE OF 4,105 SQUARE FEET OF PROPERTY, LOCATED AT THE NORTHWEST CORNER OF THE NAPLES SELF-STORAGE SITE, FOR USE AS 3RD AVENUE NORTH RIGHT-OF-WAY BETWEEN GOODLETTE-FRANK ROAD AND 12TH STREET NORTH \ COST: \$19,006.15 \ FUNDING: STREET CONTINGENCY FUND.**

**MOTION by Nocera to APPROVE CONSENT AGENDA ITEMS 5-a THROUGH 5-f; seconded by Van Arsdale and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

**END CONSENT AGENDA**

**ORDINANCE (First Reading).....ITEM 6**  
**AN ORDINANCE AMENDING SUBSECTION (d)(2) OF SECTION 2-463, STANDARDS OF CONDUCT FOR PUBLIC OFFICIALS, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO CLARIFY THE EXTENT TO WHICH AN ELECTED OFFICER OR ADVISORY BOARD MEMBER OF THE CITY CAN INTERACT WITH CITY STAFF ON BEHALF OF A CLIENT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Manager Richard Woodruff (9:19 a.m.). Dr. Woodruff noted that this item was scheduled for Second Reading, but due to the extent of revisions, City Attorney Cuyler had recommended this review again be considered a First Reading. Attorney Cuyler explained the words "for compensation" have been stricken from the ordinance per Council direction.

Council Member Tarrant reiterated concern regarding the City's engineering firm of record, Hole, Montes and Associates, recommending an outside law firm to represent the City in pending wastewater plant construction litigation. He stated that he thought it constituted a breach in the ethics code and a perceived conflict of interest; therefore, he indicated he would bring the matter to the attention of the Attorney General and the Florida Bar Association. He further stated that he felt Attorney Cuyler's firm is well qualified to handle the litigation and asked that Council consider tabling the issue for further study. Council Member Herms urged careful research of the relationship between the chosen firm and Hole, Montes so as to avoid potential conflicts. Dr. Woodruff stated that the law firm has confirmed that it has never represented Hole, Montes. Mr. Tarrant asked if Council would be unconcerned if the Collier County Commissioners retained an outside law firm, relative to the beach rocks issue, that was recommended by Coastal Engineering. Council Member Van Arsdale contended, however, that he believed staff has adequately researched the issue and that there is no conflict.

Attorney Cuyler provided further ordinance clarification as requested by Council Member Herms, and noted that a "variance process" refers to a Planned Development, a conditional use, or any other code change.

**Public Input:** None (9:31 a.m.)

**MOTION by Van Arsdale to APPROVE AT FIRST READING; seconded by Coyle and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

**ORDINANCE (First Reading).....ITEM 9**  
**AN ORDINANCE AMENDING ARTICLE IV RETIREMENT SYSTEM, ARTICLE V FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM, AND ARTICLE VI POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM OF CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF ASSURING COMPLIANCE WITH APPROPRIATE STATE AND FEDERAL LAWS AND REGULATIONS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE FOR ADOPTION.** Title read by City Manager Richard Woodruff (9:32 a.m.). Dr. Woodruff explained that there have been state and federal code changes to pension regulations and that this ordinance would bring the City's pension plans into compliance.

**Public Input:** None (9:33 a.m.)

**MOTION by Nocera to APPROVE AT FIRST READING; seconded by Van Arsdale and carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

**RESOLUTION (Pending) .....ITEM 10**  
**A RESOLUTION APPOINTING SEVEN (7) MEMBERS TO A BLUE RIBBON COMMITTEE RELATING TO EMPLOYMENT BENEFITS FOR ELECTED OFFICIALS; AND PROVIDING AN EFFECTIVE DATE.** Title not read (9:33 a.m.). City Manager Richard Woodruff suggested that if Council intends to appoint a member already serving on a board, that it exempt this ad hoc committee from dual-office holding restrictions.

**It is noted for the record that Council Member Tarrant left the meeting at 9:34 a.m.**

**Public Input:** None (9:34 a.m.)

**MOTION by MacKenzie to EXEMPT BLUE RIBBON MEMBERS FROM REGULATIONS PROHIBITING MEMBERSHIP ON OTHER BOARDS; seconded by Van Arsdale and carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-absent, Van Arsdale-yes, Barnett-yes).**

Council Member Coyle nominated David Rice, Council Member Van Arsdale nominated David Perlmutter, Mayor Barnett nominated Henry Watkins, Vice Mayor MacKenzie nominated Arlene Guckenberger, and Council Member Nocera nominated Ben Parks. Dr. Woodruff noted the committee would meet in approximately two weeks at which time it would set its subsequent meeting schedule; he further noted the committee would report back to Council no later than October. Council Member Herms then nominated Art Krieger.

**.....ITEM 11**  
**CONSIDER A PURCHASE ORDER FOR TRAFFIC CALMING IMPROVEMENTS TO CENTRAL AVENUE AND 3RD STREET SOUTH \ CONTRACTOR: BONNESS, INC., NAPLES, FLORIDA \ AMOUNT (NOT TO EXCEED): \$231,666.18 \ FUNDING: CIP #99U06 AND CIP #99U12.** 9:37 a.m.

**It is noted for the record that Council Member Tarrant returned at 9:37 a.m.**

**Public Input:** None (9:37 a.m.)

**MOTION by Van Arsdale to APPROVE PURCHASE ORDER; seconded by Nocera and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

Mayor Barnett then asked Council Member Tarrant for his selection of a Blue Ribbon committee member (See Item 10); he indicated he would forward it to Dr. Woodruff later in the day.

.....ITEM 12  
**CONSIDER WAIVING COMPETITIVE BIDDING AND ISSUING A PURCHASE ORDER FOR A MESSAGE SWITCH SOFTWARE MODULE FOR THE POLICE & EMERGENCY SERVICES DEPARTMENT \ VENDOR: VISION SOFTWARE, INC., CASTLE HAYNE, NORTH CAROLINA \ COST: \$23,745.00 \ FUNDING: CIP #98HO9**

9:38 a.m. City Manager Richard Woodruff noted this software would enable City police officers to communicate, via laptop computers, from their vehicles directly to the state computer system.

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

**MOTION by Van Arsdale to APPROVE PURCHASE ORDER; seconded by Nocera and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

.....ITEM 13  
**CONSIDER A PURCHASE ORDER TO RECONSTRUCT 6<sup>TH</sup> AVENUE SOUTH FROM 8<sup>TH</sup> STREET SOUTH TO 12<sup>TH</sup> STREET SOUTH (INCLUDING ON ALL SIDE STREETS) \ VENDOR: BETTER ROADS, INC., NAPLES, FLORIDA \ COST: \$759,249.17 \ FUNDING: CIP #S 98U21, 98V05, 99Y05. (9:38 a.m.)** City Manager Richard Woodruff confirmed that the purchase order does not include work on 12<sup>th</sup> Street at Tin City. He noted that some trees would be relocated, and that about 60 more would be planted. Dr. Woodruff added that construction should be completed by October and that landscaping would be completed by the end of the year.

**Public Input:** None (9:40 a.m.)

**MOTION by Van Arsdale to APPROVE PURCHASE ORDER; seconded by Nocera and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

**ORDINANCE (First Reading).....ITEM 7**  
**AN ORDINANCE GRANTING REZONE PETITION 99-R7 IN ORDER TO REZONE A 9.14 ACRE TRACT FROM “R3-12,” MULTIFAMILY, TO “PD,” PLANNED DEVELOPMENT, IN ORDER TO PERMIT, AS AN ALTERNATIVE, A 43 UNIT RESIDENTIAL TOWER WITH A DENSITY OF 4.7 DWELLINGS PER ACRE, NORTH OF THE INTERSECTION OF SEAGATE DRIVE AND GULFSHORE BOULEVARD NORTH (NAPLES CAY), MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Richard Woodruff (9:41 a.m.). City Attorney Kenneth Cuyler explained that this is a quasi-judicial proceeding and asked Council Members to disclose any ex parte communications they may have had with the petitioner or other parties regarding this issue. Council Member Herms indicated he spoke to Attorney Salvatori; Council Member Nocera said he spoke to representatives of WCI Communities and a number of area residents; Vice Mayor MacKenzie disclosed conversations with and correspondence from WCI representatives and Attorney Yovanovich, as well as conversations with City staff and area citizens; Mayor Barnett said he spoke to several area residents and Attorney Yovanovich; Council Member Van Arsdale stated he spoke to petitioner representatives; Council Member Coyle said he spoke to petitioner representatives as well as area residents; and Council Member Tarrant affirmed no contact with any of the parties involved. A voluntary oath was then administered by the City Clerk to those intending to offer testimony on this issue; the witnesses confirmed their pledge.

Attorney Richard Yovanovich, with the firm of Goodlette, Coleman, and Johnson, and representative for WCI, stated that he has presented the proposed project to neighborhood

associations and other interested citizens. He confirmed also that he is requesting a rezone to Planned Development, and explained that this would allow for two development options. The chief proposal is to build a 225-foot high, 43-unit residential luxury condominium, with the alternative being development in accordance with the existing agreement on the property. He cited contingencies not yet satisfied, such as a relocation of the adjacent County parking facility and the acquisition of environmental permits. Attorney Yovanovich noted that the proposed project however meets the City's legal criteria, is consistent with the Comprehensive Plan, and is compatible with adjacent development; it would also reduce traffic and increase open space. Lastly, he confirmed that, with the satisfaction of staff conditions, the Planning Advisory Board unanimously recommended approval. George Page, Senior Vice President and General Manager of the Commercial Development Division of WCI, confirmed meeting with neighborhood representatives in and around Naples Cay, and maintained that results of these exchanges are reflected in the presentation. Dwight Thomas, Vice President and Senior Project Manager of WCI, noted he would coordinate the project team, and detailed recently completed WCI luxury condominiums. He affirmed that the proposed Naples Cay project would provide a two-thirds reduction in density. In addition he stated he had initiated contact with the County regarding the relocation of the parking facility and with the Department of Environmental Protection. Architect Bob Hall displayed the overall site plan and a three-dimensional project model. (Images of both are contained in the City Clerk's office in the file for this meeting.)

Council briefly discussed building height and City Manager Richard Woodruff suggested language to clarify that the 225-foot height would be measured from the finished grade of approximately seven or eight feet. Council Member Van Arsdale proposed additional landscaping around the pool wall and beach walkway, to which the petitioner agreed. Planning Director Ron Lee noted many advantages of the project such as low density, substantial building separation, minimal lot coverage, minimal visual obstruction, traffic circulation improvement and increased beach parking. He then noted three PAB conditions in addition to those already proposed; a deed restriction to limit density, the recording of a beach access easement for Seagate Subdivision residents, and a beach parking limit of 38 spaces. In response to Vice Mayor MacKenzie, Attorney Yovanovich confirmed the project would contain no docks or boathouses.

**Public Input:** 10:15 a.m. **Jim Brennan, 4951 Gulf Shore Boulevard North #1804**, favored the proposal due to low density but voiced concern regarding the County parking lot and stated that increased parking spaces will generate more traffic and noise. He therefore requested that the relocated facility contain only 24 parking spaces, and that a gate be placed at the entrance with enforcement by the Naples Cay guardhouse security. Mayor Barnett stated that Council would work with the County to ensure parking regulation compliance. **Leo Salvatori, a law partner at Quarles & Brady**, representing the seller of the property to WCI, explained that most of the purchase price was in the form of a non-recourse mortgage note to his client. In the event the note is not paid, the owner has no recourse to the borrower and can only pursue the land for recovery of monies owed, he said. He said that his firm has filed a lawsuit against WCI (Bay Colony Gateway) asking for declaratory relief and injunctive relief and therefore asked that Council table this issue until the case is decided.

City Attorney Cuyler clarified that continuance was not necessary, however, Attorney Salvatori asserted that his client's concern is that the density reduction may mean a coincident mortgage value reduction. Mayor Barnett questioned whether the land would revert back to the original development agreement should Council approve the petition and the structure is not built. Attorney Cuyler maintained that the PD document allows the development agreement (in effect

until March 2000) or the alternative. Attorney Salvatori stated, however, he was sure WCI would endeavor to build the 43-unit building proposed, and with the reduction in density, his client would suffer. Council Member Tarrant made a motion to table, however, it was not seconded and further deliberations ensued. Council Member Van Arsdale noted that the new zoning is locked in place at the issuance of a building permit, but that this does not necessarily mean the structure will be built. Dr. Woodruff also confirmed that regardless of whether the PD is approved, the development agreement will expire in March 2000 and the zoning will revert to “R3-12” Multifamily.

**Public Input:** 10:49 a.m. **Marvin Katz, 10 Seagate Drive**, favored the proposed project and said it would enhance the value of the other condominiums in the area. **William Scruggs, 20 Seagate Drive, Apt. 701**, Naples Cay Master Association Chair and Beach House Condominium Association Chair, also supported the project due to a reduction in density, improved traffic management, and maximization of green space. **Dr. Ephraim Shulman, 5251 Sand Dollar Lane**, Seagate Owner’s Association member, stated that the board has unanimously supported the project and that WCI has addressed the association’s concerns. **Bill Wells, 701 Baypointe**, Baypointe Board member, proffered a resolution passed in unanimous support of the petition. **Stephen Pistner, 10 Seagate Drive**, President of Naples Cay Master Association, said that WCI has done an excellent job in planning, and that he felt certain the project would enhance Naples Cay.

Although Council Member Tarrant withdrew his motion to table, Council Member Herms so moved suggesting a two week continuance due to the issues cited between the two parties; however, there was no second. Mr. Tarrant asked if WCI has given Mr. Salvatori’s client a specific date by which it will apply for the building permit. Attorney Steven Pierce, representing WCI, stated there has been no guaranteed date for the permit, however, loan documents specify that Mr. Salvatori’s client must receive payment by June 2000. Council Member Coyle noted that the permit application would be the determining factor for the building, not Council action, and therefore suggested an expiration date for the permit application. Attorney Salvatori stated that should the development agreement lapse, the prior development agreement with the County, in effect before the property was annexed in to the City, would prevail. Attorney Cuyler could not confirm this but would research the issue in the next two weeks.

**MOTION by Van Arsdale to APPROVE ORDINANCE AT FIRST READING; WITH STIPULATIONS AS OUTLINED IN THE ORDINANCE, ADHERENCE TO ALL REGULATORY REQUIREMENTS, AND THE EXCLUSION OF BOATHOUSES. STAFF WAS DIRECTED TO PROVIDE RECOMMENDATIONS REGARDING PARKING LOT HOURS AND NOISE-MANAGEMENT PLANS FOR ADJACENT PUBLIC BEACH PARKING LOT. THE PETITIONER WAS ALSO DIRECTED TO PROVIDE A MORE DETAILED LANDSCAPING PLAN (WALL AND WALKWAYS). PLANNING DIRECTOR RON LEE WILL MEET WITH THE PETITIONER TO CLARIFY LANGUAGE REGARDING MAXIMUM HEIGHT. IN ADDITION, THE CITY ATTORNEY WILL RESEARCH CONTINUED APPLICABILITY OF A PRIOR DEVELOPMENT AGREEMENT. This motion was seconded by Nocera and carried 5-2, all members present and voting (Nocera-yes, MacKenzie-no, Coyle-yes, Herms-no, Van Arsdale-yes, Tarrant-yes, Barnett-yes)**

**Recess 11:26 a.m. - 11:37 a.m. It is noted for the record that the same Council members were present when the meeting reconvened.**

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**RESOLUTION(Failed) .....ITEM 8**  
**A RESOLUTION GRANTING ADMINISTRATIVE APPEAL PETITION 99-AA1 TO GULFSHORE SQUARE PARTNERS, OVERTURNING AN INTERPRETATION OF THE BUILDING OFFICIAL IN ORDER TO ALLOW INTERIOR RENOVATION OF A THIRD STORY ON A BUILDING IN THE C1 ZONING DISTRICT WHICH IS ADJACENT TO R1-ZONED PROPERTY, LOCATED AT 1400 GULF SHORE BOULEVARD NORTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Richard Woodruff (11:37 a.m.). Petitioner's attorney Michael Volpe reiterated that the matter is an administrative appeal involving the interpretation of a City ordinance as it applies to an existing third floor unit. He stated that in 1997 the City issued a building permit for interior renovations, but in response to a complaint from the Coquina Sands Property Owners Association, City staff reviewed the matter. The staff determined that per applicable zoning regulations, "C-1" property adjacent to or across the street from "R-1" single family residential must be limited to two stories. The permit was therefore revoked. He added that although the Planning Advisory Board concurred with this interpretation, it had recommended that the petitioner be permitted to complete the interior renovation of 2,400 square feet of the existing third floor based on the permit issued by the City, but not be permitted additional square footage on the third floor. Council Member Nocera observed that allowing the petitioner to complete renovations would in fact enhance the building. Dr. Woodruff cautioned, however, that granting the appeal would allow the petitioner to occupy the building based upon "C-1" uses.

**Public Input:** 12:01 p.m. **Peter Gerbosi, 1708 Gulf Shore Blvd. North**, Gulf Shore Property Owners Association Director, stated that the association had believed that the area in question would be used to store air-conditioning equipment but later observed additional construction and suspected a zoning violation had occurred. He voiced concern that the owner may construct a restaurant in the third story, precipitating additional traffic and noise; therefore he urged denial of the appeal. In response to Mayor Barnett, however, Mr. Gerbosi indicated that should Council restrict building use, he would recommend otherwise.

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**It is noted for the record that Council Member Van Arsdale left the meeting at 12:02 p.m.**

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Council Member Nocera asked Attorney Volpe if he would accept the stipulation that use be limited to non-residential office space. Council Member Coyle added that he felt it acceptable for the petitioner to use the area for his own office space, but not to rent it to others. Attorney Volpe indicated that the petitioner did intend to use the space as a manager's office, and added that the petitioner would favor owner-only occupancy. Council Member Herms cautioned that allowing storage space to be used for other purposes may set a precedent. Attorney Volpe then offered a deed restriction relative to the 2,400 square feet of the property. Council Member Herms made a motion to approve the petition with PAB's recommendations, and with the understanding that the area be used as a manager's office only; the motion was however not seconded. Dr. Woodruff reminded Council that should this space be occupied, the petitioner would be required to then determine second means of egress.

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**It is noted for the record that Council Member Van Arsdale returned to the meeting 12:26 p.m.**

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***MOTION by Herms to DENY APPEAL; seconded by MacKenzie and carried 4-3, all members present and voting (Herms-yes, Coyle-yes, Tarrant-no, MacKenzie-yes, Nocera-no, Van Arsdale-no, Barnett-yes). THE PETITIONER WAS HOWEVER PERMITTED TO UTILIZE THE***



***EXISTING THIRD STORY FOR STORAGE PURPOSES ONLY AND TO  
COMPLETE WORK UNDER THE CURRENT PERMIT WHICH  
PERTAINS TO JUST STORAGE.***

**OPEN PUBLIC INPUT (12:29 p.m.) .....**

**Jean Walker Humphries, 2002 Kingfish Road**, explained that her seawall is in imminent danger of failure and requested that the City financially assist her in installing riprap. Staff will research the feasibility of establishing a special assessment district, as well as exploring a marine motor fuel tax and other types of revenue sharing.

**CORRESPONDENCE & COMMUNICATIONS (12:39 p.m.) .....**

It was the consensus of Council to appoint Assistant Building Official William Taylor to the ad hoc Architectural Review Committee, as a replacement for Building Official William Overstreet. In reference to correspondence proposed for the Airport Authority, Council Member Coyle suggested that the letter clearly state that Council wishes to rezone the entire Western Quadrant, except the mosquito control operations, to “C” Conservation; Council concurred. Council also agreed with the proposed letter to Big Cypress Basin Board and South Florida Water Management District requesting water inventory figures. It was the consensus of Council that “C” Conservation zoning should apply to the property owned by the Naples Airport Authority between North Road and the Gordon River (Rezone Petition 99-R9). Council Member Herms noted he would be unable to attend the upcoming Beach Renourishment/Maintenance Committee meeting; a Council Member replacement will not however be appointed. Council Member Nocera requested Council support of the Girl’s Softball field renovations, and noted that buttons were available for purchase which would entitle admission to a May 21st fundraiser. Council determined that County Commission Chair Pamela Mac’Kie, County staff, and contractor Robert Cadenhead would be invited to the June 1st Workshop Meeting to discuss the status of beach rock removal. City Attorney Cuyler introduced attorney Gregory Urbancic, an associate at Roetzel & Andress. It was the consensus of Council (Council Member Coyle dissenting) to deny reconsideration of Variance Petition 99-V2 which permitted an 11-foot rear yard setback for a screen-enclosed pool. Dr. Woodruff noted that Council Member Van Arsdale would represent the City in the Great Dock Canoe Race on May 8<sup>th</sup>.

**ADJOURN (1:14 p.m.) .....**

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Prepared by:

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Jessica R. Rosenberg, Recording Specialist

Minutes approved: 6/2/99









5/5/99 City Council Meeting

Naples Cay exhibits were photographed at 4/14/99 Planning Advisory Board meeting. Rich Yovanovich, attorney for Naples Cay, indicated that all exhibits presented to Council this date are identical to those presented to the PAB.

T. Norman, City Clerk





































