



City of Naples

Index

City Council Regular Meeting

November 4, 1992

Convened 9:03 am / Adjourned 6:40 pm

| | Page |
|--|------|
| ANNOUNCEMENTS | 2 |
| APPROVAL OF MINUTES | 4 |
| 10/16/92 Tour, 10/19/92 Wks, 10/21/92 Reg | 4 |
| CORRESPONDENCE AND COMMUNICATIONS | 34 |
| INVOCATION AND PLEDGE OF ALLEGIANCE | 2 |
| ITEMS TO BE ADDED TO THE AGENDA | 2 |
| ORDINANCE NO. 92- (Continued) | |
| Coconut Grove Rezone - Charter Boat Activity | 3 |
| ORDINANCE NO. 92- (First Reading) | 26 |
| Amend Planning Advisory Board Functions | 26 |
| Provide for Joint Water Service Billing in Unincorporated Area | 5 |
| Rezone Petition 92-R10 - Coastland Mall PD | 9 |
| RESOLUTION NO. 92- (Continued) | |
| Bid 93-01 - Traffic Control Signage | 3 |
| Bid 93-09 - Computerized Parking Citation System | 4 |
| Negotiations on Affordable Housing Site | 3 |
| RESOLUTION NO. 92-6785 | |
| Approve Recodification of Code, Charter, CDC | 4 |
| RESOLUTION NO. 92-6786 | |
| Bid 93-20 - Rent Commercial Office Space (Six Months) | 5 |
| RESOLUTION NO. 92-6787 | |
| Bid 93-16 - Award Annual Contract for Insecticides and Chemicals | 5 |
| RESOLUTION NO. 92-6788 | |
| Authorize Interlocal Agmt. with County - Meter Reading/Billing | 6 |
| RESOLUTION NO. 92-6789 | |
| Authorize Contract - Doctors Pass Management Plan | 7 |

| | Page |
|--|------|
| RESOLUTION NO. 92-6790 | |
| Authorize Payment of Consent Order - Moorings Bay Dredging | 8 |
| RESOLUTION NO. 92-6791 | |
| Approve Comp. Housing Affordability Strategy Plan (CHAS) | 27 |
| RESOLUTION NO. 92-6792 | |
| Grant Nonconformity - Boat Storage at Port-O-Call Marina | 28 |
| RESOLUTION NO. 92-6793 | |
| Extend Development Agmt. 89-D8 - 700 Goodlette Road | 28 |
| RESOLUTION NO. 92-6794 | |
| Gordon River Crossing Study - Rank Eng. Firms | 30 |
| RESOLUTION NO. 92-6795 | |
| Object to Offshore Petroleum Exploration | 32 |
| RESOLUTION NO. 92-6796 | |
| Authorize Payment for Third Street Capital Improvements | 33 |
| ROLL CALL | 1 |



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - November 4, 1992 - 9:00 a.m.

Mayor Muenzer called the meeting to order and presided

ROLL CALL

ITEM 2

Present: Paul W. Muenzer, Mayor
Fred L. Sullivan, Vice Mayor

Council Members:
Kim Anderson
R. Joseph Herms
Alan R. Korest
Ronald M. Pennington
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Kevin Rambosk, Assistant City Manager
Missy McKim, Comm. Development Dir.
William Harrison, Finance Director
John Cole, Chief Planner

George Henderson, Sergeant At Arms
Tara A. Norman, Deputy City Clerk
Marilyn McCord, Deputy City Clerk

See Supplemental Attendance List
(Attachment #1)

INVOCATION AND PLEDGE OF ALLEGIANCE

ITEM 1

The Reverend Paul Koepchen, Grace Lutheran Church

ANNOUNCEMENTS

ITEM 4

Item 4-a Mayor Muenzer

Mayor Muenzer thanked City Dock personnel for their efforts in staging a successful 2nd Annual Mayor's Cup Fishing Tournament. He noted the extensive participation and enjoyment by young people in the community.

Item 4-b City Manager Woodruff

Dr. Woodruff announced that the Mayor and Council had asked him to thank the public for its vote of confidence relative to passage of the two cent tourist tax on the November 3rd ballot.

Dr. Woodruff recognized City employees who participated in the American Heart Association walk. He distributed certificates of appreciation and thanked Community Development Director Missy McKim, who had volunteered to head the City's team.

ITEMS TO BE ADDED

Item 23 Resolution objecting to petroleum exploration off the coast of Florida and requesting the Governor and Cabinet to deny permission for such exploration.

Item 24 A resolution supporting capital improvements in the Third Street South Shopping Area in the amount of \$14,420.00 and providing said sum to the Third Street South Area Association from the Utility Tax Capital Improvement Fund.

City Council Regular Meeting - November 4, 1992

RESOLUTION NO. 92-

ITEM 10

A RESOLUTION AUTHORIZING NEGOTIATIONS WITH CONTEMPORARY HOUSING ALTERNATIVES OF FLORIDA, INC. FOR THE DEVELOPMENT OF AFFORDABLE HOUSING ON A 4.5 ACRE CITY-OWNED SITE IN AN EFFORT TO SUBMIT FOR THE NOVEMBER 1992 STATE OF FLORIDA SAIL FUNDING CYCLE; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 92-

ITEM 15

AN ORDINANCE APPROVING REZONE PETITION 92-R9, AMENDING THE COCONUT GROVE PLANNED DEVELOPMENT, APPROVED BY CITY COUNCIL THROUGH ORDINANCE NUMBER 90-6245, BY PROVIDING FOR CHARTER BOAT ACTIVITY WHICH IS LIMITED TO RECEIVING PASSENGERS DELIVERED TO THE DOCK BY BUS OR OTHER FROM OF PUBLIC TRANSPORTATION, AND BY ALLOWING TRANSIENT BOATS; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

RESOLUTION NO. 92-

ITEM 19

A RESOLUTION AWARDDING CITY BID #93-01 FOR THE ESTABLISHMENT OF AN ANNUAL CONTRACT FOR THE PURCHASE OF TRAFFIC CONTROL SIGNAGE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Dr. Woodruff indicated that he would provide Council Member Herms with additional information on the cost of the estimated 175 signs which could not be acquired from the low bidder.

City Council Regular Meeting - November 4, 1992

RESOLUTION NO. 92-

ITEM 21

A RESOLUTION AWARDED CITY BID #93-09 FOR THE LEASE OF FOUR HAND-HELD COMPUTERIZED PARKING CITATION SYSTEMS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

MOTION: To ADD Items 23 and 24, and to CONTINUE Items 10, 15, 19 and 21.

(It is noted for the record that Council Member Anderson was away from the Council room for this vote only.)

| | |
|---------------------|--------|
| Anderson | ABSENT |
| Herms | M Y |
| Korest | Y |
| Pennington | S Y |
| Sullivan | Y |
| VanArsdale | Y |
| Muenzer | Y |
| (6-0) | |
| M=Motion S=Second | |
| Y=Yes N=No A=Absent | |

**** CONSENT AGENDA ****

APPROVAL OF MINUTES

ITEM 17

| | |
|---------------------------------------|------------------|
| City Council Beach Renourishment Tour | October 16, 1992 |
| City Council Workshop Meeting | October 19, 1992 |
| City Council Regular Meeting | October 21, 1992 |

RESOLUTION NO. 92-6785

ITEM 18

A RESOLUTION APPROVING A CONTRACT WITH MUNICIPAL CODE CORPORATION TO PROVIDE FOR THE COMPREHENSIVE RECODIFICATION OF THE CITY'S CHARTER, CODES AND COMPREHENSIVE DEVELOPMENT CODE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

City Council Regular Meeting - November 4, 1992

RESOLUTION NO. 92-6786

ITEM 20

A RESOLUTION AWARDDING CITY BID #93-20 FOR THE LEASE OF COMMERCIAL OFFICE SPACE; AUTHORIZING THE CITY MANAGER TO ENTER INTO A SIX-MONTH LEASE THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 92-6787

ITEM 22

A RESOLUTION AWARDDING CITY BID #93-16 FOR THE ESTABLISHMENT OF AN ANNUAL CONTRACT FOR THE PURCHASE OF INSECTICIDES, FUNGICIDES, HERBICIDES AND MISCELLANEOUS HORTICULTURAL CHEMICALS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

MOTION: To APPROVE Items 17, 18, 20 and 22.

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

END CONSENT AGENDA

ORDINANCE NO. 92-

ITEM 7

AN ORDINANCE ADDING SUBSECTIONS 11-1-4(A)(4), (B)(4), (E)(8) AND (F)(3) TO THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED

City Council Regular Meeting - November 4, 1992

"WATER SERVICE" TO PROVIDE FOR MANDATORY WATER CONNECTION, SERVICE DEPOSITS, AND FEES FOR DISCONTINUED SERVICE AND METER RE-READS IN THE JOINT SERVICE AREA OF UNINCORPORATED COLLIER COUNTY; AMENDING SUBSECTIONS 11-1-4(E) (2) AND (4) OF THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "WATER SERVICE" TO PROVIDE FOR REQUIRED BILLING TO PROPERTY OWNERS AND MONTHLY BILLING IN THE JOINT SERVICE AREA OF UNINCORPORATED COLLIER COUNTY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Dr. Woodruff indicated that this ordinance, and the interlocal agreement listed under Agenda Item 8, would be necessary in order to facilitate economies to be derived from cooperation between the City and County on meter reading and billing operations in the areas where they share service.

MOTION: To **APPROVE** this ordinance on First Reading.

| | | |
|------------|---|---|
| Anderson | Y | |
| Herms | M | Y |
| Korest | S | Y |
| Pennington | Y | |
| Sullivan | Y | |
| VanArsdale | Y | |
| Muenzer | Y | |

(7-0)

M=Motion S=Second

Y=Yes N=No A=Absent

RESOLUTION NO. 92-6788

ITEM 8

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY, RELATING TO THE CONSOLIDATION OF METER READING AND UTILITY BILLING IN CERTAIN AREAS OF UNINCORPORATED COLLIER COUNTY; PROVIDING FOR PAYMENT FOR SERVICES RENDERED; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Council Regular Meeting - November 4, 1992

Dr. Woodruff explained that this agreement contained a 90 day cancellation clause and that the City would continue its auditing procedure to discover and check meters which are registering zero consumption.

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

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

RESOLUTION NO. 92-6789

ITEM 13

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A CONTRACT WITH SUBOCEANIC CONSULTANTS, INC. FOR THE DOCTORS PASS INLET MANAGEMENT PLAN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Dr. Woodruff explained that State regulations require that an inlet management plan must be prepared in conjunction with any beach renourishment plan. The consultant selection process had been completed, he noted, and a recommendation for award of a contract to Suboceanic Consultants in the amount of \$85,000 was being made.

Council Member Pennington questioned the advisability of including a \$3,800 hydraulic investigation of the flow between Clam Bay and Moorings Bay through culverts under Seagate Drive. While this would satisfy certain scientific curiosities about tidal differences and the flow between them, he said he did not feel this was an appropriate expenditure since it had nothing to do with the inlet management plan under consideration. He also pointed out that the taxpayers in the district would be paying for work which was of little concern to them and that the City had no control over Clam Pass which was in the County.

Mr. Pennington read into the record the following excerpt from Section 7 of the Collier County Pass Management Plan: "The FDER, in a 1981 report, states that, '... the flow of water from Moorings Bay to Clam Bay could have a significant negative impact on the water quality of Clam Bay. Activities which could significantly degrade the water quality of a Class II waterbody are stringently regulated. In view of the limited benefits expected in terms of flushing of

City Council Regular Meeting - November 4, 1992

Moorings Bay, the possible adverse consequences for Clam Bay and the sizeable costs, this alternative is not recommended.' Further concerns have been addressed regarding the possible effects of connecting two water bodies with different salinities, tidal ranges, and depths. Durbin Tabb, of Tropical BioIndustries, addressed these concerns in letter to Westinghouse Communities, Inc., in 1983; ' ... poorly planned major changes in circulation volumes and velocity of flow between bay systems having different salinities, depths, volumes, and inlet configurations can cause widespread and unexpected re-adjustment of bay bottom sediments, channel location, salinity regimen, and unforeseen behavior of sand deposition or erosion around inlets.' At present, there is a minimal culvert connecting between the two systems, which approximates the estimated historic level of natural connection between the two bay systems."

Community Development Director McKim pointed out, however, that the staff this to be a good time to do such a study in order to provide information on the impact of that system on Moorings Bay and Doctors Pass. Regularly the issue comes up, she says, when additional flow between the two systems is discussed. Natural Resources Manager Staiger, however, stated that this study would not be a definitive one, a complete hydrologic study being estimated at approximately \$100,000.

In further discussion it was indicated that the hydrologic study would not be completed without further specific authorization by the Council and that Dr. Staiger would prepare a position paper on the subject. It was also clarified that the Florida Department of Natural Resources would fund 50% of both the Moorings and Doctors Pass inlet management plans which would represent funding by the taxing district residents of the Doctors Pass plan in the amount of \$40,500.

MOTION: To **APPROVE** the contract with Suboceanic Consultants, exclusive of the hydrologic investigation.

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

RESOLUTION NO. 92-6790

ITEM 14

A RESOLUTION AUTHORIZING PAYMENT OF THE DEPARTMENT OF ENVIRONMENTAL REGULATION'S CONSENT ORDER FOR THE MOORINGS BAY DREDGING PROJECT IN THE AMOUNT OF \$12,000 OUT OF THE MOORINGS BAY TAXING DISTRICT FUNDS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

City Council Regular Meeting - November 4, 1992

Title read by City Attorney Chiaro.

Dr. Woodruff pointed out that although the City of Naples was named in the final consent order as the agent, no City funds were involved as the \$12,000 fine was held back from the final payment to the contractor. He recommended that payment be made.

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

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

ORDINANCE NO. 92-

ITEM 5

AN ORDINANCE APPROVING REZONE PETITION 92-R10, REZONING THE PROPERTY DESCRIBED HEREIN, FROM "HC" HIGHWAY COMMERCIAL TO "PD" PLANNED DEVELOPMENT PROVIDING FOR THE EXPANSION OF THE EXISTING COASTLAND CENTER REGIONAL SHOPPING MALL; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Mayor Muenzer reminded the public that in order to speak on this and other items on the agenda, it would be necessary to complete a speaker registration form.

Chief Planner John Cole summarized the various issues involved in this petition which are contained in City Manager Woodruff's memorandum to City Council dated October 26, 1992. (A copy of this memorandum is contained in the file for this meeting in the City Clerk's Office.) The petition under consideration includes adding 517,332 square feet of gross leasable area to the present 552,668 square foot Coastland Center Mall facility. Mr. Cole also explained that because of the size of the proposed project, it was considered to impact areas beyond the City and therefore was subject to the Development of Regional Impact (DRI) procedure of the Southwest Florida Regional Planning Council (SWFRPC) as well as rezone and DRI approval on the local level. Mr. Cole discussed the review process using overhead transparencies, copies of which are contained in the meeting file.

Mr. Cole said that the City's planning staff had recommended approval of the expansion subject to various conditions: 1) that the western access to the project on Fleischmann Boulevard be modified; 2) that certain site/landscape plan modifications be made; 3) that the proposed fifth department store be deleted; and 4) that the southeastern parking structure be reduced to a

City Council Regular Meeting - November 4, 1992

maximum height of two stories. The Naples Planning Advisory Board (PAB) had been split 2-2 on approval of the DRI and had voted 3-1 to deny the rezone petition, Mr. Cole explained, although the PAB had not been in opposition to expansion of the Mall. The PAB had expressed concerns that too many issues with reference to the petition had remained unresolved, that the development as proposed would be too intense, and that the staff's recommendations did not go far enough to address these various issues.

In its deliberations, the PAB had heard comments from the residents of the nearby Lake Park neighborhood who had expressed concerns regarding traffic, a lack of open space in conjunction with the development, and potential nuisance created by the location of the food court and theaters on the south side of the Mall property. Representatives of the neighborhood as well as representatives of the developer were present, Mr. Cole concluded, and would provide their comments to the City Council.

Mayor Muenzer stated that the presentation by the Coastland Mall developers would be followed by a short break, after which questions from Members of the Council would be entertained. Public input was estimated to begin at approximately 11:00 a.m. Council Members indicated their concurrence with this schedule.

First to speak among the petitioner's representatives was Attorney Donald Pickworth, representing LaSalle Partners, operators of Coastland Center Mall. Mr. Pickworth indicated that various other speakers for the LaSalle group would be making presentations but noted the many public forums and discussions which had already been held on both the regional and local level with reference to the project. During this process, he said, the project had been shaped and reshaped and that the proposals before the Council were those which were recommended by the staff and the SWFRPC. He said that LaSalle Partners agreed with all recommendations by the staff with the exception of elimination of the fifth department store.

Mr. Pickworth also noted that, even among those who had spoken against the proposal, there seemed to be a general acknowledgement that there was a need for Coastland Center Mall to expand, redevelop and grow, although the differences seemed to focus on the extent and the details. He listed advantages which would accrue to the community through the proposed expansion, such as enhancement of architecture and landscaping of the site, an improved merchandise selection, continued commercial vitality of the Mall, protection against deterioration of adjacent commercial and residential areas; creation of new jobs (Coastland is the second largest employer in the area with 1,300 jobs which will be effectively doubled by the expansion), and increased tax revenues.

Nevertheless, if these benefits were the only consideration, Mr. Pickworth said, the decision of the Council would be an easy one; however, the decision became more complex because of the fact that there is a defined site in an established neighborhood and because of certain expectations on the part of the City with reference to development.

Other considerations listed by Mr. Pickworth include the need to size the Mall in conjunction with the desires of major department stores, not merely to add square footage or improve the appearance of the facility. The proposed improvements have created the need for expensive infrastructure requiring additional in-line tenants to underwrite the Mall's income stream.

"What we would like to do here today," Mr. Pickworth said, "is to sharpen and define our understanding so that when we start deliberating we can better understand the needs of those expressing concern and our needs and parameters as well. We all want an approved project."

Mr. Pickworth then introduced other speakers (listed on Attachment #2).

Mr. Peter Schaff displayed a diagram showing the Mall expansion as proposed including various on-site roadways. He said the Mall must expand to survive and that the anchor department stores were operating in space sized to the community when the facility was initially constructed in the 1970's. Because of its proven retail location, he said, the Coastland Center Mall is a logical location for these larger stores to expand, although mall development elsewhere in the County which might occur prior to the Coastland expansion target date of 1995 could affect these large anchor stores to go elsewhere in the interim. Anchor stores will eventually account for 75% of the expansion, Mr. Schaff pointed out, but in order to pay for the expansion and infrastructure, the developer is relying on expansion in the number of smaller stores which account for a significant portion of the rental revenue.

Mr. Schaff also briefly described the developer's reason for proposing to use the current Dillard space for a food court and theaters rather than locating these facilities on the north side of the complex. Principally, he said, there was a need to draw shoppers to the various wings of the Mall and the food court and theaters are effective in accomplishing this. The fifth department store proposed was an insurance policy, he said, so that Coastland could compete for the next significant fashion anchor store which chose to enter this market. Otherwise, the location of such a large store in the Naples area would be a catalyst for development of still another competing center.

In conclusion, Mr. Schaff addressed the financial viability of the LaSalle Partners stating that LaSalle was committed to making Coastland Center Mall the highest quality development possible and that through the two commingled pension trusts administered by LaSalle, there was sufficient wherewithal to accomplish this goal.

Traffic Engineer Jack Barr of Barr, Dunlop & Associates, presented the Council with a variety of alternatives to mitigate impact of the Coastland Center Mall expansion on Tenth Street North (Attachment #3). He explained that every DRI in the State of Florida must provide a detailed analysis of impacts upon surrounding roadways. The model used for Coastland reflects the latest projections for growth in all parts of the community, Mr. Barr said, explaining that doubling the size of the Mall would not double the traffic impact, although the principal impact would be on

City Council Regular Meeting - November 4, 1992

U.S. 41 and Golden Gate Parkway. These and other nearby roads, such as Goodlette, are operating equal to or above the standard levels of service projected beyond 1995, Mr. Barr pointed out.

Mr. Barr also indicated that all applicable review agencies (Florida Department of Transportation, SWFRPC, Metropolitan Planning Organization, City of Naples) had agreed that the analyses presented for the Coastland expansion were valid and concurred with the findings, particularly the concurrency findings. One of the main reasons for the ability of the surrounding road system to absorb impacts of the Mall expansion, Mr. Barr said, is due to the Mall's excellent location in reference to the street system serving it. Mr. Barr listed the projected increase upon various major roads which would be represented by the Mall expansion: 3% to 6% on U.S. 41; 5% to 7% on Goodlette Road; and 6% to 12 1/2% on Golden Gate Parkway.

Impacts on the local street system had also been a concern of the City staff, Mr. Barr explained, so this was also thoroughly analyzed, giving special attention to Tenth Street. He distributed maps showing the 1995 peak season daily traffic volumes both with the existing and expanded Coastland Mall (Attachment #4). Although Tenth Street shows an anticipated increase of 37% in traffic volume with an expanded Mall, Mr. Barr indicated that various extenuating circumstances made this impact less significant than it initially appeared. Among these factors is that, even in the peak season, the north end of Tenth Street is utilized to a volume which is less than half of its carrying capacity as a collector street. There have been no increases in traffic volume on Tenth over the last few years and City records even indicate a slight decrease in volume. With an unmitigated increase in traffic from the expanded Coastland Center Mall, Mr. Barr pointed out, Tenth Street would still be only at approximately 75% of its capacity. Referring to Attachment #3, Mr. Barr said, in conclusion, that research had nevertheless been accomplished to determine what restrictions could be put into effect to reduce Mall impacts on Tenth Street; some would reduce impact substantially, even to a volume which is lower than present volume. However, Mr. Barr said that neither he nor the City Engineer recommended that those restrictions be implemented because of lack of justification.

Coastland Center Mall Manager Tim McCarthy then asked the Council to take into consideration the impact which the Mall had made upon the Lake Park neighborhood over its 15 years existence and that there had been no standing complaints from either Lake Park Elementary School or residents of the area. He said he believed the lack of problems could be largely attributed to the Mall's separation from the residential area, illustrating his point by distributing an aerial photograph showing what he deemed to be the effective buffer supplied by such public facilities as Fleischmann Park. (A copy of this photograph is contained in the file for this meeting in the City Clerk's Office.)

Mr. McCarthy then specifically addressed the concern expressed by Lake Park residents that a food court on the south side of the Mall would cause a problem in the area because increased night time activity would generate crime and a nuisance. He said that the food court and theater

City Council Regular Meeting - November 4, 1992

operations were critical to the Mall operation and that the present food court on the north side of the complex has not resulted in complaints from neighbors on the north side of the Mall even though these residences are generally closer to the Mall property than the residences of Lake Park on the south. He explained that it would be unlikely for theater or food court patrons to utilize Tenth Street but would instead select Goodlette Road or U.S. 41 as more direct routes. In addition the ring road to be constructed would encourage drivers to remain on the Mall property until they had reached the best exit for their destination, he said.

Lake Park residents had also expressed concern, Mr. McCarthy said, that the food court and theaters would cause large, unruly groups to congregate. This would be unlikely, he explained, because the theaters would be small in size and operated on staggered schedules, which tends to reduce the assembly of crowds. Also, when customers leave the theaters, the Mall is closed so there is no incentive for people to remain. Mr. McCarthy also pointed out that the Mall landlord has a stake in maintaining order and in keeping after-show crowd sizes to a minimum.

Another point raised by Mr. McCarthy had to do with Mall traffic impact on Tenth Street which he said would be the same as the impact projected for Crayton Road between Mooring Line Drive and Banyan. Nevertheless, he said his group was amenable to implementing any of the alternatives shown on Attachment #3 should the City see fit.

Gar Muse, Project Director, then addressed the Council further on his group's position that it was necessary to develop the food court and theater area on the south side of the complex. It is an essential design feature in regional shopping centers, he said, to utilize such facilities to attract shoppers from one end of the complex to the other. He then described the proposed parking garages which he said were designed in a simple layout to tie directly into the center's first or second levels via bridges; access road design would provide balanced ingress and egress to the site. Perimeter landscaping at the ends of driving aisles will also help to identify locations where motorists may access the on-site road which will encircle the complex, he added.

Mr. Muse also explained that the redeveloped site would provide 20% open space, a 74% increase in trees, and a 42% increase in the landscaped area. This will include infilling of (additional) landscaping along U.S. 41 as well as 200 natural surface parking spaces to enhance the surrounding buffer. Mr. Muse also reviewed the architectural design which will be compatible with a coastal community theme and carried throughout the complex.

With reference to proposed parking garages, Mr. Muse indicated that additional headroom clearance (14 feet as opposed to 8.5 in the new hospital garage), openness for natural lighting and ventilation, and better diffused artificial lighting would provide a greater feeling of security for shoppers.

Attorney Pickworth then returned to the podium to summarize his associates' presentations, noting that the City had a rare opportunity to allow redevelopment and refurbishing of an existing Mall

City Council Regular Meeting - November 4, 1992

in line with expectations for the U.S. 41 retail corridor, and to avoid the steady decline experienced by many similar facilities elsewhere. The developer has the resources to complete the project, Mr. Pickworth added, and while it would be difficult for the Council to balance the various interests involved, he urged passage of the legislation on first reading and asked the Council Members to provide their thinking on issues which might need to be addressed prior to second reading.

The floor was then opened for questions from the Council. Mayor Muenzer asked Traffic Engineer Barr to elaborate on the fact that the traffic projections on the Mall expansion had shown a decrease in traffic on Neapolitan Way and whether this was indicative of a negative impact on the shopping area on Neapolitan. Mr. Barr said he did not believe that the figures could be read as having a marketing effect and that, even then, the 120-vehicle trip reduction was negligible.

Vice Mayor Sullivan indicated that citizens had expressed concerns to him that parking garages would result in higher rates of crime in part because police patrol would not be conducted in the same manner as is now occurring in the open Mall parking lot. Mr. Muse responded by stating that he believed public security started with architectural design, again referring to the improved light distribution achieved by the higher parking garage ceilings and the visibility offered by the open interior design. Mr. McCarthy also pointed out that the Mall has enjoyed a close relationship with the Police Department and hoped to continue to enjoy similar service in the future. This includes the stationing of a sector officer on the Mall property where that officer is available to respond to assigned calls. Mr. McCarthy, however, expressed the view that Mall security would find patrol of the proposed parking garages would be facilitated by their design.

City Manager Woodruff also indicated that several members of the Police Department have attended schools with reference to security in parking facility design and would be involved in the building permit review of these structures. The structures must satisfy police requirements in order for a building permit to be issued, he added.

Mr. VanArsdale asked that research data be provided on crime in parking garages. Mayor Muenzer indicated that he recalled such data being presented during a SWFRPC review of a major shopping mall expansion in the Sarasota area. He asked Mr. Barr to inquire with the SWFRPC. Mr. VanArsdale also asked Mr. Barr to provide the estimated percentage of increase in traffic on Fleischmann Boulevard which would be caused by the Mall expansion. Mr. Barr said that the impact would be greater on the east end of Fleischmann than on the west, or a 28% increase on the east and 15% on the west.

Council Member Herms asked whether the traffic statistics presented took into consideration that the Mall expansion would be completely operational in 1995. Mr. Barr confirmed that a 1995 build-out had indeed been factored into the estimates; Mr. Pickworth, however, noted that the fifth major department store may not be completed by that time.

City Council Regular Meeting - November 4, 1992

Mr. Herms then asked whether the Mall was willing to provide security guards on each level of the parking garages during the hours when the Mall was open. Mr. McCarthy responded that the Mall would be willing to do so if the City determines the risk to public safety justifies that level of staffing, although he said he was uncertain at that time whether security of that magnitude would be a necessity.

Mr. Herms also indicated that a citizen had expressed concern to him that LaSalle Partners might not have the financial ability to assure completion of the project in a timely manner. Mr. Schaff explained that LaSalle advised domestic pension plans in real estate investments, the funds for which are allocated similarly to investments in stocks and bonds. Many times, he said, pension funds commingle their resources to achieve diversification and to invest in higher scale projects which present less risk. The trusts represented by the LaSalle group have combined assets and uninvested capital of approximately \$950-million which is more than adequate capital to address redevelopment of Coastland Center. Nevertheless, despite the presence of adequate capital in-house, Mr. Schaff explained, third party financing may also be sought for the project. Mr. Schaff agreed to provide documentation on the uncommitted funds which would be budgeted for this project.

Council Member Korest returned to the subject of security in shopping malls, indicating that he had visited a mall recently in Norfolk, Virginia, whose security problems were much more pronounced due to widespread store vacancy. The presence of people in a successful mall, therefore, would add greatly to overall public security, he said. Mr. Korest also asked Mr. Barr for a breakdown of the 13,000 additional projected vehicle trips which would be generated by the Coastland expansion. Mr. Barr indicated that 72% would be directed to either Goodlette Road or Golden Gate Parkway.

In further questioning by Council Member Korest, it was indicated by the staff that the Planning Advisory Board would accomplish additional architectural review of the project and that landscaping would be required prior to issuance of the certificate of occupancy for the project. It was also determined in questioning by Mr. Pennington that traffic data presented by the petitioners did not take into consideration possible construction of an additional Gordon River crossing, but only encompassed facilities which had been projected through 1995. Mr. Pennington then asked Mr. Barr to address whether improved roadway facilities would encourage more vehicle trips into Coastland Mall. Mr. Barr explained that the rate of trips to regional shopping centers per thousand square feet actually drops as the center enlarges. This is in part due to the fact that people do more shopping per trip in larger complexes, he said, and also indicated that improved roadways do not necessarily have a bearing on the number of vehicle trips which are attracted to a particular shopping center.

Mr. Pennington then expressed concern about increased traffic to be generated on Fleischmann Boulevard and noted that on-street overflow parking from Fleischmann Park already causes congestion there. Dr. Woodruff indicated that the City was now seeking solutions to this problem

City Council Regular Meeting - November 4, 1992

which might include installation of no-parking signs on Fleischmann and an arrangement for overflow parking on the Coastland Mall property.

Further discussion between Council Members and the petitioners centered around the hours of operation of the theater and food court proposed for the south side of the complex. It was confirmed that the Mall closure of 9:00 p.m. would eliminate any incentive for theater patrons to remain on the property after the last show. The new design would also allow the theater entrances to be completely separate from the remainder of the Mall.

Council Member Anderson suggested that Mr. Barr consider the impact of adding four-way stops on Tenth Street at each of the blocks between Seventh Avenue North and Fleischmann as a way of reducing the traffic impacts on Tenth by making it less attractive as a through street.

Mrs. Anderson also addressed the issue of phasing schedules for multi-building planned developments, referring to a previous City Council meeting (June 20, 1990) where this had been discussed at length. She stated that a determination had been made at that time that such phasing schedules would be mandatory.

Council Member Anderson asked the petitioners to address a scenario where economic conditions may inhibit full redevelopment of the major department stores in Coastland Mall to the point where not all planned expansions would be accomplished. Mr. Schaff, however, noted that not completing the project as planned, with the possible exception of the fifth major department store, would not allow for a sufficient return on investment and would therefore be highly unlikely.

In response to Mrs. Anderson, Mr. Schaff also further addressed the petitioners' decision to relocate the food court on the south side of the complex. Mr. Schaff indicated that because the Fleischmann Boulevard side of the complex was a less attractive location for a major department store, major tenants such as J.C. Penny's would not wish to relinquish their Golden Gate Boulevard frontage and move to the Fleischmann side to allow for location of the food court on the north side.

Break: 12:14 p.m. to 12:30 p.m.

Public Input:

Michael McComas, 1141 Tenth Avenue North

Mr. McComas indicated that, as a Lake Park resident, he was concerned that the Mall would become a deteriorating piece of property if redevelopment was not permitted. The community must maintain its economic viability, he noted, and urged the Council to look favorably upon the petition. Mr. McComas also observed that, in his opinion, there was more disturbance in the Lake Park neighborhood from the loudspeakers at the Fleischmann Park athletic fields and from children playing than from the Coastland Mall. In conclusion, Mr. McComas, however, asked

the Council to address certain traffic problems on Tenth Street, as well as the impediments vehicles experience at one of the major exits from the Lake Park area; namely, the intersection of Seventh Avenue North and U.S. 41 where motorists have difficulty making a left turn from Seventh to head south on U.S. 41.

Jack Conroy, 840 Goodlette Road

Mr. Conroy noted a letter which he had forwarded to the City Council that day with reference to the Coastland Mall petitions (Attachment #5). He urged the Council, rather than focusing on small parts of issues, to "rise up to take the large perspective of encouraging business, economic development and redevelopment." Mr. Conroy referred to the previous day's general election noting that the electorate showed its nervousness about economic issues. "The overall economy is important to all," he continued. "We have a viable business . . . which needs to expand. We as communities should assist in every way possible and work out minutia as we go down the road."

Council Member Korest inquired as to the impact which disapproval of the Coastland expansion might have on redevelopment in the area, and Mr. Conroy indicated that the Council would be, without question, sending a message to the City's Redevelopment Task Force and the business community as a whole that if any modification of existing regulations was needed, then a project would not be permitted. If the Coastland expansion were turned down because of density or traffic type issues, Mr. Conroy concluded, then it would have a significant negative impact in the community.

W. C. Hookway, 2010 Seventh Street South

Mr. Hookway said that he agreed with the previous two speakers and expressed concern that denial of the Coastland Mall expansion would cause the loss of large anchor stores in the near future. He asked, however, that delivery truck traffic to the Mall be addressed and that a north side exit be considered for the use of late night movie goers to avoid additional traffic on Fleischmann Boulevard.

Lance Donovan, President, Lake Park Neighborhood Association

1066 12th Avenue North

Mr. Donovan distributed a letter to the Mayor and Council Members outlining the position of the Lake Park Neighborhood Association with reference to the Coastland Center Mall expansion (Attachment #6). Mr. Donovan assured the Council that his association had not reached these positions hastily but that many people had deliberated extensively. Lake Park, he added, has never opposed the expansion of Coastland Center Mall, only the current plan as not being as sensitive to its neighbors and the City as a whole. Two major areas of concern which his association noted, he continued, are traffic and access. If an impact is created on the site, it should as much as possible be dealt with on that site. The location of the food court on the south side of the Mall will generate more traffic and parking congestion and therefore a better location would be on the north side where there is direct access to a six-lane highway, Mr. Donovan

City Council Regular Meeting - November 4, 1992

explained. In addition, Mr. Donovan said that the Lake Park Association objected to the developer being allowed to go below the City's 30% open space requirement and allowed to construct a three story parking structure. Mr. Donovan then reviewed the six points which were enumerated on the Association's submittal.

Council Member Pennington asked Mr. Donovan, as a member of the Redevelopment Task Force, to address the relationship between Council's action on the Coastland petition and downtown redevelopment goals. Mr. Donovan responded that this issue had come up in Task Force meetings and that citizens were concerned about changes in zoning. "If redevelopment is to occur," he noted, "it must be sensitive to what the population needs, wants and expects."

On the issue of delivery truck traffic, Mr. Donovan expressed the view that requiring the City to deal with such impacts puts it at odds with its citizens and cited what he described as a current enforcement problem of the current ban on through truck traffic on Seventh Avenue North and Tenth Street. Dr. Woodruff, however, disputed this statement, indicating that the law prohibiting through truck traffic is being enforced, and merely erecting the necessary signage did not mean that there would be no truck traffic on those streets. Trucks can legally use restricted streets if they connect arterials, such as, in this case, Goodlette Road and U.S. 41. Also, he noted, banning trucks completely would mean that garbage trucks would also not be permitted. The neighbors had been surveyed before these particular restrictions were put in place, Dr. Woodruff said, and were informed, along with the Association, that the best to be hoped for in this instance was a reduction in truck traffic of 15%, which is what has occurred.

Council Member Pennington observed that in discussions he had had with Lake Park residents, they had expressed the view that they did not favor further impediments to their use of Tenth Street which also affect their usage of the Mall.

Council Member Van Arsdale asked Mr. Donovan whether the Association's current proposal that all exits from the Mall to Fleischmann Boulevard be closed indicated a change from their previous position that Tenth Street should be closed at the north end. Mr. Donovan said that when the discussion of Tenth Street closure had taken place, and when the City had surveyed residents of the area for their opinions on a Tenth Street closure, the Coastland Mall expansion had not been mentioned. Dr. Woodruff, however, took issue with this statement, indicating that the letter which the City mailed accompanying the survey clearly stated that the impact of an expansion of Coastland Mall was being analyzed. A 64% response rate was achieved from residents, and 94% of those said that they use Tenth to access the Mall for their own purposes. The majority did not favor closure, Dr. Woodruff said.

As a possible compromise, Council Member Anderson suggested that the developer consider closing the Burdines entrance to the Mall at 9:30 p.m. to force exiting traffic away from Fleischmann, via the perimeter road, to other driveways. She also asked Mr. Donovan whether he was a resident of the area prior to the initial construction of the Mall. He indicated that he

City Council Regular Meeting - November 4, 1992

was not, although he had discussed the issue with a resident of Tenth Street who had been here at that time and who had said he would leave the area if traffic increased further. Mrs. Anderson said that the quality of life reduction which had been predicted at the time the Mall was initially built had not, to her knowledge, occurred. She asked Mr. Donovan to communicate some of the suggestions about mitigating traffic on Tenth Street to the resident he had mentioned.

Audree Karlosky, 712 12th Street North

Ms. Karlosky disputed the methodology used by the Mall developers to compute impact on area highways through 1995, noting areas such as Laurel Oaks Drive and U.S. 41 where predictions that no traffic increase would occur had been incorrect. She also noted that capital improvement projects which had been scheduled for County highways were now running behind schedule and cited a law suit filed by a citizen, Sewell Corkran, in dispute of the County's comprehensive plan in this regard.

J. Richard Young, 3323 Gin Lane

Mr. Young said he opposed allowing variances to rules and regulations which were put in place after great deliberation and effort by the City. He said that the people who purchased Coastland Mall had done so relatively recently knowing that there was a major concern on the part of the public with overdevelopment. The proposal being heard by the Council was overdevelopment, he added, calling the Coastland Mall "a mammoth DRI banging up against rules and regulations of the City. The developer threatens dire consequences unless you go along with this proposal," Mr. Young pointed out. "The County is a great place for regional malls, not in the center of Naples from the standpoint of the citizenry. They are asking you to listen and you to recognize this as your obligation." In conclusion, Mr. Young reminded the Council of the PAB's opposition to the plan.

Michelle Edwards, 1111 14th Avenue North

Ms. Edwards took issue with a letter which an area resident had received from City Manager Woodruff supporting the Mall expansion and stated that the community is dealing with the issue of economic viability and that the impact of the redevelopment was largely exaggerated. "I am insulted by that letter, and it appears that his only concern is dollars and not the welfare of the residents of the area," she said.

She said that while the Lake Park area residents are concerned about overall economic viability, they are also concerned about the viability of their own properties and distributed a letter from C. William Ockert of the Florida Department of Transportation (DOT) disputing with the developer's position that doubling the size of Coastland Mall would not represent a significant impact on U.S. 41. (Attachment #7).

City Council Regular Meeting - November 4, 1992

Ms. Edwards also pointed out that Coastland Mall was not the only commercial development which impacted Lake Park, noting hospital expansion and vacant property on Tenth and 14th Avenue North yet to be utilized. She said that the Planned Development (PD) process allowed for flexibility, but in this case, the only party enjoying flexibility was the developer.

Wayne Arnold, 111 14th Avenue North

Mr. Arnold said that, as a professional planner working with Collier County, the issues boiled down to impacts. He asked the Council to compare the impact of Edison Mall on surrounding residential areas. "The bottom line is not tax base when considering zoning," he pointed out. Schools, parks, public safety and other issues must also be considered, he explained, and indicated that he supported the Lake Park Association's position.

Deputy City Clerk Tara Norman acted as recording secretary for the preceding portion of the meeting while Deputy City Clerk Marilyn McCord acted as recording secretary during the remainder of the meeting and until adjournment.

Recess: 1:40 p.m. to 3:50 p.m

Penelope Taylor, 995 13th Street North

Ms. Taylor, a member of the Lake Park Neighborhood Association, told Council that a petition was started five weeks ago. The petition contains 210 signatures, each representing one household in Lake Park. From a survey of the area, said Ms. Taylor, it was determined that many of the residents had no idea how large an expansion was being proposed, with 80% not in support of the proposed expansion. A survey, conducted at Lake Park Elementary School with 114 responding, showed 60.8% of them not in support of the expansion as submitted. That survey also showed 80.6% were concerned about traffic and were opposed to the proposed plans for theaters and food courts.

Ms. Taylor stated, "There is no, I repeat, no, group in support of this. We have unity in our neighborhood. Development of this intensity will have too much of a negative impact on our neighborhood." She went on to say that according to a traffic survey made, the expansion would result in an increase of 13,000 vehicles per day.

Ms. Taylor referred to Fleischmann Park and its many activities. Allowing theaters to be built on that side of the Mall would be an affront to the children, she said. Because of the increased traffic and air and noise pollution, said Ms. Taylor, the food court and the theaters should be situated on the commercial side of the Mall. She went on to say that the entire City would be

impacted if the Mall was allowed to expand. Ms. Taylor commented, "The residential character has been carefully nurtured. This environment has earned Naples the title 'Jewel of the Southwest Coast of Florida' by the New York Times." The proposed expansion would change the character of Naples forever, she said. Ms. Taylor asked Council to be sensitive to the environmental issues and to the quality of life that makes Naples special.

Joanne Harriss, 856 12th Avenue South

Ms. Harriss told Council that women were becoming more concerned about security in malls and parking garages. She said that should one incident occur involving a woman getting hurt, word would spread and women would stop going to Coastland Mall. Ms. Harriss said that she always carried tear gas (mace), although she "hated to think I live in an era where I have to do that." Ms. Harriss concurred with those who spoke before her, adding that her friends also agreed and were opposed to the expansion. She told Council that she would feel safer if security guards were present at the Mall at all times. However, said Ms. Harriss, the developer and not the City should provide additional security.

Robert C. Gebhardt, 2500 Tamiami Trail North

Attorney Gebhardt, speaking on behalf of five neighbors in Lake Park, said that he wanted to be sure Council had considered all of the factors involved. The primary concern, he said, was that too much development was being proposed for that site. Attorney Gebhardt asked if the Members of Council had talked to any of the major tenants to determine their needs. He suggested that the developer supply names of the major tenants' representatives so that staff and Council could discuss the proposed expansion and determine whether they were in concurrence. Because this is a development of such magnitude, emphasized Attorney Gebhardt, someone should take the time to contact these people and ascertain their true needs. He asked several questions with regard to the anchor stores, including whether J.C. Penney's needed additional space since it was cutting back in some areas. Attorney Gebhardt noted that the developer had already committed a large sum of money to buy the Mall "as is" and asked if a prudent investor would do so before getting Council's approval.

Attorney Gebhardt asked what impact the Mall expansion would have on the area immediately to its south, between U.S. 41 and Tenth Avenue. He suggested that major discount stores may be built in that area, which would impact Lake Park tremendously. Attorney Gebhardt called attention to the development which surrounds Edison Mall in Fort Myers. He suggested that the Redevelopment Task Force review this entire matter and discuss whether the Mall's expansion would encourage such parasitic uses.

Because Coastland Mall would be a magnet for the entire County, stated Attorney Gebhardt, he could not understand why Council would permit so many violations of the City Code's standards, such as open space, parking, and landscaping requirements.

City Council Regular Meeting - November 4, 1992

The final point brought up by Attorney Gebhardt was that of affordable housing. The proposed project would add 1,300 low-paying jobs to the area, he said, which would place tremendous pressure on the City to comply with its Growth Management Plan in terms of its affordable housing. Attorney Gebhardt reminded Council that State agencies can force the City to comply with its Growth Management Plan. Therefore, he noted, "This economic viability for the City may in turn be just the opposite; it may be a cost to the City."

Sue B. Smith, 15 11th Avenue South

Mrs. Smith noted that the issue at hand represented not only a problem to Lake Park residents, but to other areas of Naples as well. She said that the City Manager appeared to be in favor of this project and, in her opinion, someone in that position should not be biased but should bring information, both pro and con, to Council for the best judgment to be made. Mrs. Smith referred to the crime issue which exists at Edison Mall and the reluctance of many Naples residents to shop there. She said that should Coastland Mall increase in size, the people of Naples may be reluctant to shop there as well.

Because of the difficult economic times, said Mrs. Smith, discount stores such as Wal-Mart are gaining in popularity and, in her opinion, it was not a good time to expand the Mall. In conclusion, Mrs. Smith referred to environmental concerns which Council had expressed in the past, noting that an expanded Mall would cause even more problems.

Attorney Pickworth stated that he believed much had been accomplished at this meeting by discussing the various concerns. He suggested that the next two weeks be spent addressing any remaining questions and requests for information.

In response to Council Member Herms' question, Chief Planner Cole explained that a traffic impact study which was accepted by the City and the Regional Planning Council did not require the widening of Goodlette Road in the vicinity of the Police Station. The issue of road impact fees which would accompany expansion of the Mall was discussed. Council Member Herms requested the updated road impact fees and the projected taxes for the expanded Mall. He also requested that staff identify the locations of the master water meters at the Mall.

Council discussed the placement of bumper stops and Council Member Herms noted that there seemed to be some difficulties in imposing the City's Comprehensive Development Code as bumper stops were required at other developments. Council Member Korest reminded everyone that this was a Planned Development and would have its own zoning code, based upon Council's decisions. In response to Council Member Herms, staff will provide detailed information regarding the bumper stops.

City Council Regular Meeting - November 4, 1992

City Manager Woodruff announced that the small cypress hedge on U.S. 41 would not be touched by the Mall expansion, alleviating some concerns that the wetlands on U.S. 41 would be destroyed. Even though this is a PD, allowing the right to establish individual standards, stated Dr. Woodruff, it is important to be consistent between PD's and to treat similar developments in a like manner.

Mr. Jack Barr referred to a recent Regional Planning Council hearing where the traffic impact to U.S. 41 was discussed. Council Member Anderson requested a copy of the transcript from that section of the meeting.

Public Input closed.

Chief Planner Cole reviewed staff's recommendations. He noted that in an October 23, 1992 letter, the developers agreed to all recommendations except that a fifth anchor store not be included. Mr. Cole clarified that larger signs than those allowed by Code were requested. Staff will request that the developer return with detailed landscaping plans, adding that the Golden Gate Parkway frontage must be more carefully considered since it involves the Corridor Management Plan, the Land Preservation Trust and existing vegetation. Staff will verify its landscaping plans for the ditch running along Goodlette Road.

MOTION: To **APPROVE** the Planned Development Rezone at first reading, pursuant to staff recommendations and with the additional requirement of increasing the landscape buffering around the perimeter as well as installing a treescape on the east side of the Land Trust walkway along Goodlette Road, with a December 31, 1995 completion date.

Council Member Korest made the motion. Council Member Anderson suggested amendments to the motion, which were accepted by the motion maker.

AMENDED MOTION:

To **APPROVE** the Planned Development Rezone at first reading, pursuant to staff recommendations and with the additional requirement of increasing the landscape buffering around the perimeter as well as installing a treescape on the east side

of the Land Trust walkway along Goodlette Road, with a December 31, 1995 completion date. Approval is also subject to the inclusion of a construction phasing schedule, acceptance of

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

City Council Regular Meeting - November 4, 1992

Alternate #2 of the staff report (island configuration option) with respect to Tenth Street traffic, and all parking of construction equipment during the actual construction will be maintained on-site.

Council Member Anderson reported that she could distinctly remember the concern and fear that it would bring an intrusion of crime and have a degrading effect on the surrounding area abounded, when Coastland Mall was first developed. Since its construction, however, the Mall had become a good neighbor, providing jobs, a tax base, a place for community events, etc. Ms. Anderson said that she was very aware of the concerns of the residents nearby and hoped that Council and staff had formulated some compromises. She asked that the developers attempt to maintain the Mall's hometown character. Council must consider the viability of the City, stated Mrs. Anderson, who voted "yes."

Council Member Herms, who voted in the negative, stated that the proposed development was too dense. He referred to the fact that PD zoning was being proposed to a site with highway commercial zoning. Mr. Herms continued, "Usually when staff applies PD zoning, they do it in mind with some tradeoffs. I've been through the process myself. What's happened in this situation is that we've gotten scared so we've basically given away the store and thrown our zoning standards out the window." Mr. Herms said that, in his opinion, it was not good for the community to build so much on the site. The architectural detail in this community makes it different, he noted, and that will not exist if the parking garages are allowed. Mr. Herms said that he believed the expansion was a major mistake and would set a tone for the redevelopment area as well. As the expansion is presently designed, he stated, it would be very difficult to maintain the character to which Naples is accustomed.

Voting in the affirmative, Council Member Korest said that staff and Council had addressed many of the concerns. He said that he was mindful of the residents of Lake Park, however, the traffic study had shown that the expansion would have a very small impact on the area. Mr. Korest reported that he would not want to have a deteriorating mall in the City which could happen, he said, should the anchor stores relocate. He concluded by saying that many people he had talked with supported the concept of an enlarged mall with better shopping availability.

Council Member Pennington commented that many things still had to be considered with respect to the expansion. He said that he had talked with many people and some said they did not want a larger mall because the area is already experiencing tremendous growth. Mr. Pennington said, "I don't know if expansion of the Mall in itself will greatly impact that. We'll have more of everything around in 1995. Some say they don't want more traffic, etc. On the other hand, some want the convenience of the added capability of major stores. Even talking to Lake Park people, most have said they agree with some expansion of the Mall, but are worried about too much expansion." Mr. Pennington voted "yes."

City Council Regular Meeting - November 4, 1992

Vice Mayor Sullivan stated that he supported a full-service mall with expanded shopping capabilities and expanded parking. Mr. Sullivan commented that he was sensitive to noise pollution, and although he lived close to the Mall, had never been overly disturbed by the amount of noise generated. He said, "When I weigh this proposed expansion, as modified by staff, against the possibility that I might find some disturbance, I find that in the better interests of the City I conclude that our decision is a right one. I vote yes."

Council Member Van Arsdale noted that many of the arguments made at this meeting were identical to those made when the Mall was originally built. He said, "We're not taking a golf course and putting it into a mall. We're making a mall bigger. It's a great place for a mall. It's been a good neighbor. I for one would not compromise the quality of life to insure the economic viability of this mall. On the other hand, looking at the facts, the facts say this Mall is not compromising the quality of life in Naples." Mr. Van Arsdale said that in his opinion parking garages were preferable to "acres of parking lots." He also described the lights and noise generated by Fleischmann Park activities as having a greater impact on Lake Park than the food court and theaters in the Mall would have. He expressed support of the project, noting that the developers were sensitive to the neighbors and had given much consideration to this issue. Mr. Van Arsdale voted in the affirmative.

Mayor Muenzer referred to the anchor stores, noting that as they exist now at the Mall they are simply satellite stores. Full service anchors stores will give the Mall stability, he said. The Mayor agreed that crime was a factor, however, he said, "There's a much better chance of getting mugged in a parking lot that's acres big. Criminals don't like to be confined to a parking garage. I don't subscribe to the fact that it will increase crime." With respect to the theaters and food court causing a disturbance, the Mayor said that those facilities would be far enough away and will be well buffered. He expressed appreciation for the concerns of the Lake Park residents and said that the impact of traffic was valid and certainly should be addressed. Mayor Muenzer requested that the parking garages be landscaped with tall trees and that there be no landscaping inside. "The Mall is a vital thing to us," said Mayor Muenzer, who added, "It's important that the well being of the Mall be maintained."

Mayor Muenzer instructed Council to contact Chief Planner Cole should they have any additional concerns or questions. Mr. Cole will relay those to Attorney Pickworth, and if necessary, the second reading will be continued. The Mayor voted in the affirmative.

BREAK: 4:55 p.m. - 5:05 p.m.

ORDINANCE NO. 92-

ITEM 6

AN ORDINANCE AMENDING CHAPTER 3, ADMINISTRATION, PROCEDURES, AND ENFORCEMENT, AND CHAPTER 11, FEES, OF THE COMPREHENSIVE DEVELOPMENT CODE BY AMENDING SECTION 3-25, PLANNING ADVISORY BOARD, BY CHANGING THE NAME TO PLANNING BOARD THROUGHOUT THESE CHAPTERS; BY AMENDING SUBSECTION 3-25-2, JURISDICTION; DUTIES, FUNCTIONS, TO ALLOW THE PLANNING BOARD TO HAVE FINAL ACTION ON PETITIONS FOR CONDITIONAL USE, EXPANSION OR CHANGE OF NONCONFORMITIES, AND VARIANCES FROM ZONING REQUIREMENTS AND THE COASTAL CONSTRUCTION SETBACK LINE, AND TO CLARIFY ITS DUTIES; BY AMENDING SUBSECTION 3-25-3, PROCEDURES, RULES, AND REGULATIONS, TO CLARIFY THE PLANNING BOARD PROCEDURES; BY AMENDING SECTION 3-83, PROCEDURE FOR OBTAINING CONDITIONAL USES, TO PROVIDE FOR THE PLANNING BOARD TO HAVE FINAL ACTION, AND PROVIDING AN APPEAL PROCESS; BY AMENDING SECTION 3-84, PROCEDURE FOR EXPANDING, ENLARGING OR CHANGING A NONCONFORMITY, TO PROVIDE FOR THE PLANNING BOARD TO HAVE FINAL ACTION; STANDARDIZING PROCEDURES, AND PROVIDING AN APPEAL PROCESS; BY AMENDING SUBSECTION 3-85-2, PROCEDURE FOR OBTAINING VARIANCES FROM THE COASTAL CONSTRUCTION SETBACK LINE, TO PROVIDE FOR THE PLANNING BOARD TO HAVE FINAL ACTION, STANDARDIZING PROCEDURES, AND PROVIDING AN APPEAL PROCESS; BY AMENDING SUBSECTION 3-85-3, PROCEDURE FOR OBTAINING VARIANCES FROM ZONING REQUIREMENTS, TO PROVIDE FOR THE PLANNING BOARD TO HAVE FINAL ACTION, STANDARDIZING PROCEDURES, AND PROVIDING AN APPEAL PROCESS; BY ESTABLISHING A NEW SECTION 3-89, PROCEDURE FOR APPEALING DECISION OF THE PLANNING BOARD; BY AMENDING SECTION 11-2, PLANNING BOARD PETITION FEES, TO PROVIDE NEW FEES FOR APPEALS FROM THE DECISION OF THE PLANNING BOARD AND COASTAL CONSTRUCTION SETBACK LINE VARIANCES; BY DELETING SECTION 11-4-1, PERTAINING TO FEES FOR VARIANCES FROM THE STATE'S COASTAL CONSTRUCTION CONTROL LINE; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Muenzer suggested that this item be scheduled to a future meeting.

City Council Regular Meeting - November 4, 1992

MOTION: To **CONTINUE** Item 6 to
November 18, 1992.

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

RESOLUTION NO. 92-6791

ITEM 11

A RESOLUTION APPROVING A COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) ANNUAL PLAN AS REQUIRED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Planner Susan Golden briefly reviewed the CHAS (Comprehensive Housing Affordability Strategy) Annual Plan.

Public Input: One individual registered to speak.

Johnny Cannon, 508 13th Street North

Mr. Cannon, who is also a member of the Affordable Housing Commission, told Council that his only major concern was that reliable contractors be hired for any rehabilitation work to be done at the River Park Apartments. Ms. Golden said that staff was also exploring the use of minority contractors, adding that caution must be taken with regard to licensing.

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

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

City Council Regular Meeting - November 4, 1992

RESOLUTION NO. 92-6792

ITEM 12

A RESOLUTION GRANTING NONCONFORMITY PETITION 92-N3 TO ALLOW THE REBUILDING OF THE BOAT STORAGE RACK TO A NEW CAPACITY OF 60 SPACES AT THE PORT-O-CALL MARINA, 550 PORT-O-CALL WAY, WHICH WAS DAMAGED BY HURRICANE ANDREW; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the nonconformity petition and told Council that all criteria had been met. The petitioner, Mr. George Law, assured Council that he would post a disclaimer notice.

MOTION: To APPROVE the resolution as presented.

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

RESOLUTION NO. 92-6793

ITEM 16

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXTEND DEVELOPMENT AGREEMENT 89-D8 APPROVED BY RESOLUTION 89-5744 WHICH PERMITS THE DEVELOPMENT OF A 1.8 ACRE PARCEL OF LAND LOCATED AT 700 GOODLETTE-FRANK ROAD FOR HIGHWAY COMMERCIAL USES AND PERMITS BUILDING HEIGHTS OF FIFTY FEET; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Council Regular Meeting - November 4, 1992

Chief Planner Cole displayed and described plans for the site and reviewed the request for extension of the Development Agreement. Staff had recommended approval, said Mr. Cole, with the condition that the applicant dedicate a fifteen-foot utility easement for the purpose of completing a "loop" water line.

Petitioners for the extension are Stockton Renfroe and Attorney George Vega. Attorney Vega, requested that Council approve the extension so that reasonable building judgement could be exercised in light of the difficult financial times. Community Development Director McKim pointed out that there were no underlying zoning criteria on this parcel as it had previously been within County limits. The Development Agreement, which was approved in February, 1989, set the development standards for that particular property.

At the request of Council Member Pennington, staff will amend the resolution language so that the sixth WHEREAS reads as follows: "after considering all testimony, it was the determination of the City Council that the proposed Development Agreement is in the best interest of the City." In addition, the date will be revised in the second WHEREAS to indicate "February 1989 for a five year period expiring in February 1994."

MOTION: To **APPROVE** the resolution with amended language as indicated above.

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

RESOLUTION NO. 92-6794

ITEM 9

A RESOLUTION RANKING THE TOP THREE FIRMS IN ORDER OF PREFERENCE TO PROVIDE ENGINEERING SERVICES FOR THE PRELIMINARY STUDY AND PROJECT DEVELOPMENT AND ENVIRONMENTAL STUDY OF A SECOND CROSSING OF THE GORDON RIVER; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CH2M HILL IN SUBSTANTIALLY THE FORM RECEIVED BY CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff and Engineering Manager Leighton Westlake reviewed the item and answered Council's questions. The study had been authorized to determine if there were overriding concerns that would make the project infeasible to pursue prior to committing to the more extensive scope of the full Project Development and Environmental Study. In Phase I a traffic study was not included since it did not appear that traffic was an overriding, exclusive issue to prevent construction of the bridge.

Dr. Woodruff reviewed the study's scope of service, noting that a funding option analysis would also have to be done. That analysis will outline the funding options and time schedules related to local, State and Federal funding, as well as tolls and private contract funding. Dr. Woodruff told Council that at some point it would be necessary to do a traffic analysis. He reminded Council that this commitment was for Phase I only. The City and County will have to authorize Phase II with the County authorizing funding for Phase II, before its beginning.

Dr. Woodruff stated that the traffic analysis must occur, however the question is whether it should occur in Phase I or in Phase II. He said that the entire traffic analysis should not be done in Phase I because the final routes have not yet been selected. Next, Dr. Woodruff described what would be included in the three traffic analysis options. For the cost of \$3,000.00, Barr, Dunlop & Associates, Inc. will take the MPO's work and do model runs using the latest projections of growth. Engineering Manager Westlake explained what information is contained in the models. Staff believes that the MPO's model is valid and recommends the \$3,000.00 option.

Mr. John Barr, representing Barr, Dunlop & Associates, Inc., addressed Council. Mr. Barr reviewed the letter he had written to Mr. Ryan Forrestal of CH2M Hill which outlined the various traffic analysis options. (Attachment #2) Mr. Barr told Council that the most significant cost of the traffic analysis was development of the model.

City Council Regular Meeting - November 4, 1992

Public Input: One individual registered to speak.

Mrs. Sue B. Smith, 15 11th Avenue South

In response to Mrs. Smith's questions about funding, City Manager Woodruff explained that this project was an impact fee eligible. Staff has not given support of any funding except impact fees.

Mrs. Smith referred to Atlanta, Georgia and its traffic problems. With another Gordon River bridge, she said, the County will not have City residents coming into the County, however, the City will have County residents coming into the City. Mrs. Smith noted, "Those most grievously impacted by the traffic will be the City residents."

Mrs. Smith asked Council why it had not asked the Lake Park residents, who were present during discussion of the Coastland Mall expansion, what they felt about the second bridge and the resulting traffic. She continued, "We would all support you spending funds on a very good, impartial traffic study. See how it will destroy the future." Mrs. Smith talked about damage being done to the quality of life of the Naples citizens. "We voted you to those chairs," Mrs. Smith told Council, adding, "You're not serving with great wisdom."

MOTION: To **APPROVE** the resolution, with the stipulation that staff work with the MPO and return to Council with options as to how the City can obtain additional traffic information.

| | | |
|------------|---|---|
| Anderson | | Y |
| Herms | S | Y |
| Korest | M | Y |
| Pennington | | Y |
| Sullivan | | Y |
| VanArsdale | | Y |
| Muenzer | | Y |
| (7-0) | | |

**M=Motion S=Second
Y=Yes N=No A=Absent**

RESOLUTION NO. 92-

ITEM 19

A RESOLUTION AWARDED CITY BID #93-01 FOR THE ESTABLISHMENT OF AN ANNUAL CONTRACT FOR THE PURCHASE OF TRAFFIC CONTROL SIGNAGE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

City Council Regular Meeting - November 4, 1992

MOTION: To **CONTINUE** Item 19 to November 18, 1992.

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

RESOLUTION NO. 92-6795

ITEM 23

A RESOLUTION OBJECTING TO PETROLEUM EXPLORATION OFF THE COAST OF FLORIDA; REQUESTING THE GOVERNOR AND CABINET TO DENY PERMISSION FOR SUCH EXPLORATION; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Natural Resources Manager Jon Staiger reviewed the resolution and informed Council that the exact location of the proposed well would be 7.8 nautical miles west of City Hall, in approximately thirty feet of water. Florida's Governor and Cabinet have gone on record as being opposed to the drilling. This resolution would support their decision. Council Member Anderson requested that the word "environmental" be added to the second WHEREAS, to read as follows: "the aforementioned natural communities are of inestimable economic, environmental and aesthetic value to the citizens of Florida and the United States;"

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

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

RESOLUTION NO. 92-6796

ITEM 24

A RESOLUTION SUPPORTING CAPITAL IMPROVEMENTS IN THE THIRD STREET SOUTH SHOPPING AREA IN THE AMOUNT OF FOURTEEN THOUSAND FOUR HUNDRED AND TWENTY DOLLARS (\$14,420.00) AND PROVIDING SAID SUM TO THE "THIRD STREET SOUTH AREA ASSOCIATION" FROM THE UTILITY TAX CAPITAL IMPROVEMENT FUND; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the item, noting that Council had committed to a contribution of approximately \$14,000.00 to assist in the Third Street South area improvements. A complete list of purchases will be provided to Council. Dr. Woodruff told Council that the City would also be doing some street and intersection improvements. These expenses will come out of the Street Division maintenance fund.

Public Input: One individual registered to speak.

Sue B. Smith, 15 11th Avenue South

In response to Mrs. Smith's questions, Dr. Woodruff said that this item had been discussed by Council at a previous meeting when a presentation of the proposed improvements was made. Council authorized staff at that time to proceed with the project.

Mrs. Smith referred to a special events survey which was taken among the Old Naples residents and said that the survey did not even begin to answer the needs of those residents. In addition, said Mrs. Smith, at today's meeting, some Lake Park residents expressed confusion about a survey which had been taken in that area. The special events survey has been used by the news media to make a statement, noted Mrs. Smith, yet it was not representative of the residents' opinions.

With respect to the Third Street South area improvements, Mrs. Smith questioned the expenditure of City funds for commercial signs. She told Council that in her opinion it would have been respectful to contact the Old Naples residents regarding this issue. Mrs. Smith also referred to a concert which had been held at the Naples Beach Club Hotel, noting that the music was so loud that nearby condominium windows rattled. She concluded, "If nothing else, you are absolutely unbelievable, how far you are off the mark."

City Manager Woodruff reminded everyone that the purpose of this expenditure was to preserve the viability of a threatened area. The Third Street participants will be contributing over \$200,000.00 towards this project.

City Council Regular Meeting - November 4, 1992

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

| | | |
|------------|---|---|
| Anderson | S | Y |
| Hermes | | Y |
| Korest | M | Y |
| Pennington | | Y |
| Sullivan | | Y |
| VanArsdale | | Y |
| Muenzer | | Y |

(7-0)

M=Motion S=Second

Y=Yes N=No A=Absent

CORRESPONDENCE AND COMMUNICATIONS

Natural Resources Manager Staiger distributed copies of a memorandum which summarized the bids for the Gordon Pass dredging project. (Copy of this handout available in the City Clerk's Office in the file for this meeting.) Dr. Staiger told Council that according to the Army Corps of Engineers, dredging will be underway in January, 1993.

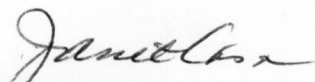
In response to Council Member Hermes' question about the steel building which had been donated to the City, Dr. Woodruff announced that a meeting will be scheduled soon to discuss the matter.

City Manager Woodruff announced that there had been no volleyball nets in place near the Naples Pier for the past fifteen months because of beach erosion and the fact that the beach area is limited in area. Two volleyball facilities have been installed at Lowdermilk Park, he noted.

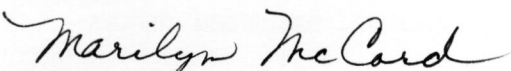
City Council Regular Meeting - November 4, 1992

Council Member Anderson requested that something be done about installing railings at the City Dock.

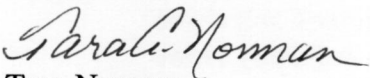
ADJOURN: 6:40 p.m.



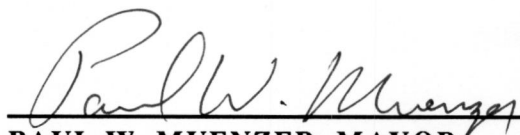
Janet Cason
City Clerk



Marilyn McCord
Deputy City Clerk



Tara Norman
Deputy City Clerk


PAUL W. MUENZER, MAYOR

These minutes of the Naples City Council were approved on 11/18/92.

Supplemental Attendance List

J. Dudley Goodlette
Donald A. Pickworth
Peter Schaff
Jack Barr
Tim McCarthy
Gar Muse
Werner Haardt
Jack Hustler
John VanArsdale
Lance Donovan
Charles Andrews
Faith Knight
George Mohlke
George Vega
George Law
Sue Smith
Johnny Cannon
Robert C. Gebhardt
Joanne Harriss

Penelope Taylor
Wayne Arnold
Michelle Edwards
J. Richard Young
Audree Karlosky
W. C. Hookway
Jack Conroy
Michael McComas
Lyle Richardson
The Reverend Paul Koepchen

Other interested citizens and visitors

News Media:

Jerry Pugh, Palmer Cablevision
Eric Staats, Naples Daily News
Wendy Fullerton,
Fort Myers News-Press