



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Workshop Meeting - February 27, 1995 - 9:00 a.m.

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 1

Present:

Paul W. Muenzer, Mayor
Alan R. Korest, Vice Mayor (left at 12:30 p.m.)

Council Members:

Ronald M. Pennington
Marjorie Prolman
Fred L. Sullivan (arrived 9:10 a.m.)
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Missy McKim, Com. Dev. Director
Flinn Fagg, Planner I
Janet Cason, City Clerk
George Henderson, Sergeant-At-Arms
Marilyn McCord, Deputy City Clerk
Tara Norman, Deputy City Clerk
Robin Williams, Adm. Asst. I
Gil Sherburne
Dr. Jon Staiger, Natural Res. Manager
Kevin Rambosk, Asst. City Manager
Mark Thornton, Com. Ser. Director
John Norman
Bruce Wade
Werner Haardt
David Carrutisers

Joseph Bonness
Roger Dykstra
Other interested citizens & visitors

Planning Advisory Board:

Chairman Harry Timmins
Ted Tobye, President
Andrea Brown
Bruce Sanson
Dennis Cronin
Jim Rideoutte

Media:

Amy Chodroff, WNOG
Eric Staats, Naples Daily News
Carl Loveday, WNOG

ITEM 2

ITEMS TO BE ADDED None

ITEM 7

ANNUAL REPORT FROM THE COMMUNITY SERVICES ADVISORY BOARD

Mayor Muenzer noted that the Community Services Advisory Board report would not be given.

ITEM 3

JOINT DISCUSSION WITH THE PLANNING ADVISORY BOARD - PROPOSED CHANGES IN TEXT AND PROCESS FOR APPROVING VARIANCES

Dr. Richard Woodruff, City Manager, opened the discussion by stating that there had been numerous inquiries regarding standards for variances and the flexibility thereof. Flinn Fagg, Planner I, gave a presentation to show the changes in text that the Planning Advisory Board (PAB) wished to make to incorporate additional flexibility. However, he stated that the three standards for approval of variances (Section 86-205) would not change.

Vice Mayor Korest pointed out that by giving the PAB more leeway in decision-making it could reduce expenses for petitioners (attorney's fees, etc.) and petitioners would generally know whether their request would be granted. Also, Council would not have to be involved unless there was a controversy.

PAB Board Member Ron Sanson explained a variance he had voted against based on the wording of the Code, not because he disagreed with the particular variance. He questioned the legality of one neighbor being granted a variance while another was not.

City Attorney Maria Chiaro explained that a variance was defined as an exception to the rule, allowing for circumstances unique to a property. However, because a variance was granted in one particular instance, this would not set a precedent in another. Ms. Chiaro also stressed the importance of being faithful to the criteria, ignoring the applicant's identity and looking to the zoning law to determine hardship.

Mayor Muenzer observed that precedents were only as good as the life of the decision-making body and that from year to year, depending on circumstances, the Council Members could vote differently on a particular item.

Council Member Van Arsdale expressed his interest in the PAB being allowed more flexibility and being pro-active in recognizing issues to be addressed. If changes were necessary, then the Council should define the PAB role. He gave as an example the PAB's services in analyzing various aspects of the Downtown Redevelopment Plan.

PAB Member Andrea Clark-Brown observed that in reviewing variances in a larger context, being unsure of Council's perspective was like a postage stamp without the envelope. PAB recommendations should be based on a broad perspective, she said, and while individual members had knowledge of different parts of town, the PAB needed to have a picture of the whole area, not one piece of property.

Community Development Director Missy McKim stated that at one time the PAB had taken a more active role in the planning process. Council Member Sullivan observed that there may be a need for two committees: one for planning and one for interpretation or regulations.

The group discussed trial implementation of the proposed text changes for PAB approval of variances for a six month period. However, Vice Mayor Korest suggested that this time frame be extended.

Although Council Member Tarrant said he appreciated the contributions of the PAB and could sympathize with their frustration, he said that he disagreed with the proposed changes. He stated that the PAB should not be concerned that City Council was overburdened and that PAB input helped Council to make accurate decisions. The citizens of Naples elected the Council Members to make the decisions, not the PAB, he concluded.

PAB Chairman Harry Timmins disagreed with the proposed changes and pointed out that people take great comfort in knowing what the City will and will not allow.

Council Member Van Arsdale explained that if the PAB and City Council adhered strictly to the letter of the law it would negate common sense in many variance cases. Changing the wording would not make variances easier to obtain, but would allow PAB to make decisions on certain variances, alleviating the need for additional approval by City Council. PAB member Dennis Cronin stated that the higher authority, City Council, should nevertheless make the final decision on variances.

After hearing from all Council Members it was agreed by the majority to favor the approach recommended by the staff: 1.) That the new criteria for variances be tested for a period of six months, with petitions being heard by both PAB and Council; 2.) After six months, Staff will report to City Council on the track record of the new criteria, and if the new standards have produced consistent results. If the results are satisfactory, then a consideration should be made to grant authority to PAB to approve variances; 3.) City Council would only then be involved in the variance process when appeals are made of the Planning Advisory Board's decision. At a future time the variance process will be further analyzed and the role of the PAB discussed.

BREAK: 10:30 - 10:35 A.M. It is noted for the record that the same members of Council

were present when the meeting reconvened.

ITEM 5

UPDATE ON CITY CLERK POSITION

Mayor Muenzer asked Human Resources Director, Mary Kay McShane, to review the manual of City Clerk applicants. Mary Kay McShane explained that she had narrowed the candidate list and conducted phone interviews as well as background checks to verify employment history on outside candidates.

The candidates had been divided into two groups, one consisting of the three internal candidates and one candidate from within the state. Ms. McShane pointed out that City Clerk responsibilities differ from state to state so the in-state candidate was grouped with local candidates.

The interview process options were reviewed with four ways listed that City Council could choose to use in deciding which candidates to interview. Option 2 was chosen (Mayor and City Council interview all candidates in group 1 and those in group 2 with a majority vote). However, after reviewing candidates from group 2 it was decided to eliminate Glenn Nitschke.

Experience of the three in-house candidates was discussed, noting that they would be more familiar with City matters, whereas it could take years for an outside candidate to acquire this knowledge. Also, it was noted that to bring in candidates from outside the state would be costly.

Six candidates were chosen to be interviewed at the City Council Workshop of March 20, 1995: June H. Boglioli, Marilyn A. McCord, Tara A. Norman, Patricia L. Rambosk, (group 1); John M. Costabile and James N. Olson (group 2). Ms. McShane stated she would contact the candidates. It was noted that the candidates should be informed that interviewing would take place in a forum.

It is noted for the record that Administrative Assistant I, Robin Williams, acted as recording secretary from 9:00 a.m. to 11:50 a.m.

ITEM 6

NAPLES PLAYERS PROJECT UPDATE AND PRELIMINARY REVIEW OF SITE PLAN

Andrea Brown, a representative for the Naples Players project, reviewed a model of the building in its preliminary stage. This was not for final approval, but rather, so that the Council Members could understand what the Naples Players were proposing to build. Ms. Brown stated that their intent was to present a friendly front and therefore they had contacted nearby property owners to hear their concerns. The feedback was positive with a great deal of effort devoted to solving parking problems.

She stated that the Naples Players wanted to build with the future in mind, to be able to coordinate access from the bandshell and the park. The balcony would have additional seating and be able to accommodate wheel chairs. The parking garage was also discussed, along with landscaping, which would wind through the building. Ms. Brown commented that they would like to keep the main premise open thereby moving people through as quickly as possible, which would prevent loitering, since there were no provisions for benches or public restrooms.

There was discussion regarding a twenty-five foot encroachment. This concern needed to be addressed, stated Dr. Woodruff, because it would have an impact on traffic flow. That change would result in a more conducive circulation plan. Also, the Use Agreement language stated "insubstantial property" and that twenty-five foot encroachment would go beyond that boundary. Council Member Van Arsdale commented that focus for the project should be centered on the theater and other issues would be inconsequential. Consensus was to allow the encroachment; the Naples Players will proceed with their plans.

BREAK: 1:00 p.m - 2:00 p.m.

It is noted for the record that Deputy City Clerk Marilyn McCord acted as recording secretary from 11:50 a.m. until 1:00 p.m. and that Deputy City Clerk Tara Norman acted as recording secretary until adjournment.

REVIEW OF AGENDA ITEMS - 3/1/95

ITEM 10

Consent Agenda - Item 22 - Sludge hauling/disposal contract

Council Member Pennington requested clarification regarding the term of the contract in that bids were awarded on August 4, 1994, meaning that there would be only seven months remaining on the contract if awarded on March 1. It was noted that no items would, however, be removed from the Consent Agenda for separate discussion.

Item 6 - Coconut Grove amendments/petitions

In response to Vice Mayor Korest, Community Development Director Missy McKim noted that the issue of reconfiguration of the boat dock had not been previously considered by the Council. Mr. Korest requested review of the minutes of the meeting when Coconut Grove issues were last considered. City Manager Richard Woodruff also pointed out that he had not recommended approval of the proposed angled parking on Tenth Avenue South due to the fact that this street is heavily travelled.

Item 7 - Conditional use approval for funeral home at 261 Ninth Street South

City Manager Woodruff urged Council Members to visit the site of this proposed use. Community Development Director McKim explained that the 80 seat chapel would require 20 parking spaces in addition to parking for two staff members. At the request of Vice Mayor Korest, Mrs. McKim indicated that she would provide copies of the Planning Advisory Board meeting when this discussion took place. (Mayor Muenzer noted that letters had been received by Council Members regarding this petition; copies of these letters are contained in the file for this meeting in the City

Clerk's Office.)

Item 9 - Establishment of a Department of Police and Emergency Services

City Manager Woodruff distributed additional material on this item which is contained in the file for this meeting in the City Clerk's Office.

Item 13-a - State Revolving Loan Fund - Pollution Control Project

Council Member Pennington requested clarification of paragraphs 2 and 3 of the ordinance authorizing execution of the loan agreement; namely, as it relates to the hearing officer and language regarding appeal procedures. City Manager Woodruff indicated that the staff would refine the language prior to Council's consideration at the March 1st meeting.

Item 13-b - Value Engineering Services - Pollution Control Project

City Manager Woodruff explained that the revolving loan program required expenditure of \$75,000 to provide for value engineering services which includes a review of project designs by a separate group of engineers. This expenditure is necessary in order for the City to qualify for approximately \$2-million in cost savings under the program.

Item 16 - Consultant Selection Committee - Gordon River Bridge

City Manager Woodruff reported that the County had requested that a fourth member of its choosing be included on this committee, and the resolution establishing the committee was therefore being redrafted. Council Member Tarrant questioned the cost of the consultant selection process prior to the issue being subjected to referendum. Mayor Muenzer pointed out that should the referendum fail, the County wants to be prepared to obtain alternative financing. He said that one of the two City representatives to the Metropolitan Planning Organization should serve as the City's delegate on this consultant selection committee. City Manager Woodruff indicated that he would provide Council Member Tarrant with cost information in conjunction with the consultant selection process.

NAPLES SAILING CLUB PROPOSAL

ITEM 8

City Manager Woodruff explained that Council Member VanArsdale had asked that he meet with the Naples Sailing Center representatives to discuss the possibility of use by the group of a portion of Naples Landing. This information was now being brought to the Council for discussion, he said.

Representing the Naples Sailing Center were Joseph Bonness, David Carruthers and Roger Dykstra. Mr. Bonness reviewed the history of the Naples Sailing Center, which is a non-profit educational organization providing training to individuals of all ages. Mentioning other groups of non-power boat enthusiasts, Mr. Bonness underscored the need for a location to be set aside to afford these groups access to Naples Bay. Using photographs, charts and a scale model, Mr. Bonness described a facility which the Naples Sailing Center and other non-power boat groups proposed for construction at Naples Landing. Included were classrooms, boat storage, an assembly area to accommodate 60 to 80 people and floating dock. Funding would be through donations by sailing enthusiasts and other types of fund raising.

David Carruthers further described the proposed facility which he said would be approximately 20 feet from the water level, but carved into the site at the water's edge so that only approximately four feet would protrude above the surface of the park.

Council then discussed with members of the group the various programs and activities of sailing and rowing enthusiasts, including the pram fleet which, Mayor Muenzer noted, had begun as a project of the local Optimist Club when he served as president.

Vice Mayor Korest thanked the group for its presentation and commended the Naples Sailing Center for its work, particularly with young people. He noted, however, that any activities in Naples Landing must be viewed in the context of all other uses, citing a recent agreement with Collier County to fund expansion of the boat ramp. City Manager Richard Woodruff explained that the Community Services Board had indicated opposition to reserving a portion of the park for a single use such as this. There were also concerns about inadequate parking for the uses already designated at Naples Landing, Dr. Woodruff said.

Council Member Sullivan said he supported the position of the Community Services Board and expressed the need for an overall master plan which would encompass all City park facilities.

Council Member VanArsdale however, recommended that the Council pursue the concept offered by the Naples Sailing Center and said he had been surprised at the lack of facilities for sailing in a community which is so oriented toward recreation on the water.

Council Member Prolman expressed enthusiasm for such a project but noted concerns about parking and about how this use could be incorporated in the Naples Landing master plan. She therefore suggested consideration of another park location or, if eventually incorporated at Naples Landing, that the sailing facility occupy an area with less direct public access.

Mr. Pennington said he felt the proposed building was too large, although it would be desirable to enhance all water-oriented activities. He said he favored looking into the proposal in greater detail but in a considerably smaller scale.

Council Member Tarrant said he supported Mr. VanArsdale, noting that sailing and rowing are passive and non-polluting and was good recreation for youngsters. He said this type of activity should be encouraged and that he was very much in favor of the Naples Sailing Center proposal.

Mayor Muenzer questioned the point of view of the Community Services Board that park areas should not be dedicated to the sole uses, citing the art association site recently approved in Cambier Park. He said that having spent several years working with the Optimist Club sailing program, he had frequently been frustrated at the lack of facilities for launching of these small crafts. Mayor

Muenzer said that he therefore favored the staff pursuing alternatives for inclusion of an area for sailing and rowing enthusiasts at some City facility.

In further discussion with Mr. Bonness, it was learned that although the Naples Sailing Center could continue to use Naples Sailing & Yacht Club facilities for classes, there was no capability for launching boats. Mr. Bonness said that a new facility could make boats available for students immediately after they finish classroom instruction and also provide an area where members of the public who are certified sailors to rent boats. Vice Mayor Korest encouraged exploring alternatives to incorporate in such a facility both educational activities and use by the general public. Mr. VanArsdale indicated that such a facility also not funded through taxation would be attractive.

It was therefore the consensus of Council that the staff be authorized to pursue a variety of alternatives to permit some type of sailing facility in some area of City park land; that proposals first be reviewed by the Community Services Board; and that following the Board's review, the issue be revisited by the City Council.

Break: 3:34 p.m. to 3:40 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened. Council Member VanArsdale left the meeting at 4:09 p.m.

PROPOSED AMENDMENT REGULATING CHARTER BOATS

ITEM 4

Community Development Director Missy McKim reviewed current policies and regulation regarding the charter boats moored or otherwise operating in the city limits and outlined proposals by the staff for further regulation. (Copies of transparencies used in the presentation for this meeting are contained in the file in the City Clerk's Office.)

Mrs. McKim explained that if a charter boat is moored in the City, an occupational license is required and the operator must adhere to zoning regulations which includes providing adequate parking. Exceptions to these zoning regulations occur at nine slips at Boat Haven and ten slips at Turner Marine which had been grandfathered in. Also not covered under the code are drop-off/pick-up activities which are administered by policy; this, however, is the category which the staff is now proposing be regulated by ordinance, she said.

Mrs. McKim classified charter boats as either unrestricted -- those whose activities are authorized under the code -- and restricted -- those which may only take on passengers at designated drop-off/pick-up locations. The latter group, Mrs. McKim said, is the source of problems being experienced. This is partially due to the lack of formal regulation resulting in the staff being challenged more and more frequently by boat operators and their attorneys, and partially because boats are not adhering to the requirement that passengers be transported to and from the dock by public conveyance. While large hotels such as the Ritz-Carlton and Registry are operating well

under this drop-off/pick-up policy and provide conveyances for their guests in accordance with requirements, this is not the case with many other operators. Often charters are arranged for through brokers and meet passengers at the City Dock, Naples Landing and other unauthorized locations in violation of the requirement that passengers not arrive in private cars. Therefore, Mrs. McKim noted, there is a need for additional regulation of these activities as well as clarification of code requirements regarding parking for those charter boats which have established dockage facilities and possess City occupational licenses.

Council Member Tarrant suggested that when regulations are in place, those boats authorized to operate thereunder be issued permit decals to differentiate them from charter operators who are in violation and therefore could be cited.

It was the consensus of Council that the staff proceed to draft regulations which incorporate the full restrictions proposed by Community Development in its memorandum of February 16, 1995, a copy of which is contained in the packet for this meeting in the City Clerk's Office.

REPORT ON CITY HALL INDOOR AIR QUALITY

ITEM 9

City Manager Richard Woodruff noted that this item would be rescheduled for discussion on March 13, 1995.

CORRESPONDENCE and COMMUNICATION

None.

ADJOURN:

4:28 p.m.

Paul W. Muenzer, Mayor

Janet Cason

City Clerk

Robin Williams
Adm. Asst. I

Marilyn A. McCord
Deputy City Clerk

Tara A. Norman
Deputy City Clerk

These minutes of Naples City Council approved on March 15, 1995.



Index
City Council Workshop Meeting
February 27, 1995
Convened 9:00 am / Adjourned 4:28 pm

ADJOURN	9
ANNUAL REPORT FROM THE COMMUNITY SERVICES ADVISORY BOARD - Item 7	2
CORRESPONDENCE and COMMUNICATION	9
ITEMS TO BE ADDED - Item 2	2
JOINT DISCUSSION WITH THE PLANNING ADVISORY BOARD- PROPOSED CHANGES IN TEXT AND PROCESS FOR APPROVING VARIANCES - Item 3	2
NAPLES PLAYERS PROJECT UPDATE AND PRELIMINARY REVIEW OF SITE - Item 6	4
NAPLES SAILING CLUB PROPOSAL - Item 8	6
PROPOSED AMENDMENT REGULATING CHARTER BOATS - Item 4	8
REPORT ON CITY HALL INDOOR AIR QUALITY - Item 9	9
REVIEW OF AGENDA ITEMS - 3/1/95 - Item 10	5
ROLL CALL - Item 1	1
UPDATE ON CITY CLERK POSITION - Item 5	4

