

City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Workshop Meeting - September 5, 1995**

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Mayor Muenzer called the meeting to order and presided.

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**ROLL CALL**

**ITEM 1**

**Present:** Paul W. Muenzer, Mayor  
Alan R. Korest, Vice Mayor

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

**Also Present:**

Dr. Richard L. Woodruff, City Manager  
Maria J. Chiaro, City Attorney  
William Harrison, Assistant City Manager  
Missy McKim, Planning Director  
Dr. Jon Staiger, Natural Resources Mgr.  
Tara Norman, Deputy City Clerk  
George Henderson, Sergeant-at-Arms

Werner Haardt  
Kenneth Abernathy  
Virginia Corkran  
Michael Stephen  
Bonnie MacKenzie  
R. Joseph Herms

Kenneth Abernathy  
Dr. Michael Stephen

**Media:**

Amy Chodroff, WNOG  
Michael Cote, Naples Daily News

Other interested citizens and visitors.

**ITEMS TO BE ADDED .....ITEM 2**  
None.

**REPORT BY BEACH RENOURISHMENT COMMITTEE.....ITEM 3**  
Council Member Tarrant explained that, in response to contacts from concerned citizens, he had by memo to the City Manager requested a discussion at the upcoming regular meeting to allow additional public input on the subject of beach renourishment. While the City Manager had suggested the discussion instead be held at this workshop, Mr. Tarrant said, Mayor Muenzer had pointed out to him that Council policy precluded public input at workshop sessions. Therefore, Mr. Tarrant requested, in the form of a **motion, that Council support allowing public input in this instance. Council Member Pennington seconded.** In further discussion it was however suggested that members of the public be permitted to request additional information only if not covered in the Beach Renourishment Committee's report. City Manager Woodruff apologized for any misunderstanding in scheduling this item, but noted that it had been his understanding that Council Member Tarrant was intending to provide a list of speakers rather than general public input.

Dr. Michael Stephen of Coastal Engineering Consultants, project manager, provided a general overview of the project and indicated that work would be under way between November 5th and April 30th to accommodate sea turtle nesting season. Both the extension of the Doctors Pass jetty and the restoration of the wood pile cluster groin at Third Avenue South have been approved by the state but will require close monitoring to determine their impact on sand drift. It is anticipated that the County will award the contract to the lowest bidder and it has been determined that the sand to be used had been deemed compatible, Dr. Stephen reported. Dr. Stephen also explained that material will be deposited in widths ranging from approximately 50 feet to 170 feet, depending upon the amount of sand various areas can accommodate. Although over successive weeks there will be an appearance of erosion of this material, the material will through wave action actually be undergoing a natural sorting process which will eventually result in stabilization of the offshore beach to reduce erosion in the future. During this process the sand will also bleach and wash to some degree, Dr. Stephen noted.. Various Council Members stressed the importance of continuing to communicate these facts to the public.

Council Member Tarrant requested clarification of financing sources for the project. Kenneth Abernathy of the Beach Renourishment Committee explained that \$14-million would be borrowed through a revolving facility available to Collier and other Florida counties. This loan would be retired by 1999 through tourist tax revenues but would not require a pledge of those revenues. Tourist tax monies to be earmarked for the Marco beach renourishment project would be solely to retire outstanding bonds and not for reimbursement of the entire cost of the project.

It was then determined that there were no questions from members of the public; therefore,  
**Council voted on the aforementioned motion to permit public input. The motion failed 4-3, Prolman, Sullivan, VanArsdale and Muenzer dissenting.**

**Break: 10:20 a.m. to 10:33 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.**

**.....ITEM 4  
DISCUSSION OF CONDITIONAL USE APPROVAL STATUS OF MAGERIO  
RESTAURANT.**

Planning Director Missy McKim reviewed the background of the conditional use which was granted in January for staged entertainment at Magerio Restaurant, 2840 Ninth Street North. She indicated that, based on complaints from adjoining property owners, the staff recommended that staged entertainment be allowed to continue only on a provisional basis and that conditional use approval be revoked if additional complaints are received.

Kimberly Moore, representing Magerio Restaurant, indicated that the management had taken precautions to avoid or at least mitigate disturbances to nearby residences such as monitoring the parking lot to reduce noise created by departing patrons, assuring that the door to the facility remained closed while entertainment was underway, and not emptying trash until morning.

Ray Graflin, 2821 Tenth Street North, whose residence is located directly behind the restaurant, stated that disturbances from the music had increased over time and that bass and drums now consistently reverberate through his bedroom. He said he had been treated rudely when he called the restaurant to complain. Mr. Graflin also noted that on July 4th, a band called "Thunder" had played in the restaurant parking lot until 7:00 p.m. and that cleanup of the parking lot had gone on well into the evening. Planning Director McKim explained that this particular event had been permitted through the temporary use process and should not have been allowed in light of restrictions placed via the conditional use.

It was clarified by City Attorney Chiaro that the Council could add requirements to the conditional use or revoke it altogether by undertaking the same public notification process used when the permission was granted.

In discussion, it was noted that when the conditional use was originally approved for entertainment as an accessory activity, dancing was specifically precluded. In addition, Ms. McKim pointed out that the initial request for music as a background for dining had been limited to 11:00 p.m. but had subsequently been revised to allow music until 1:00 a.m. which would have extended it far beyond the hours of normal dinner service. It was also observed that frequently loudness of music has little relationship to its reverberating quality.

***It was determined that with the input provided to the petitioner at this meeting, the staff would continue to monitor restaurant activities and complaints received; staff will report back to Council if further action is needed.***

**REVIEW OF ITEMS ON 9/6/95 REGULAR MEETING AGENDA.....ITEM 5**

The following Council Members requested items be removed from the consent agenda for separate consideration:

Council Member Tarrant - **Item 19**, permit for 24-hour operations during beach restoration project. Council Member Pennington - **Item 24**, purchase of water and wastewater treatment chemicals. Vice Mayor Korest - **Item 27**, fuel dispensing facility installation. Council Member Prolman - **Item 28**, installation of a metal canopy at Equipment Services.

In addition, Council Member Pennington received clarification from City Attorney Chiaro that the Cablevision Industries Corporation franchise transfer under **Item 33** constitutes merely consent to a transfer of a limited number of subscribers and that the action deals with whether the purchaser is financially able to provide the current level of service. Vice Mayor Korest requested that staff provide further information on how petroleum prices are determined (**Item 27**). With reference to **Item 5**, request for a conditional use for staged entertainment at the Fifth Avenue Cafe, it was determined that a condition would be added that no music be audible on adjacent residential properties. Planning Director Missy McKim advised Council with reference to **Item 6**, rezoning of a portion of Naples Beach Hotel complex for a tennis facility, that the property owner had wished to retain the R1-15 residential zoning for the complex rather than changing to PD Planned Development in order to identify the actual underlying value of the golf course property. Ms. McKim noted, however, that the zoning map references special language regarding this property in the Comprehensive Plan. It was noted that a condition would be added to the resolution under **Item 8**, parking reduction for Naples Motor Lodge expansion, to recognize backflow requirements imposed by the Utilities Department. With reference to **Item 11**, a grant for the 41-10 Association redevelopment master plan, it was determined that the amount would be changed from \$75,000 to \$33,100 to recognize only the amount known to be currently needed. Council Member Prolman indicated that she would request that **Item 12**, a Comprehensive Plan amendment for a residential property at 395 Sixth Street South, be continued in order to narrow the options available for professional office use on the premises. It was noted that an additional ordinance adopting an organizational chart would be provided to the Council in conjunction with departmental reorganizations listed under **Item 15**. Under **Item 15-a**, the ordinance will be revised to reflect that the Planning Department evaluates **and** processes amendments; City Manager Woodruff clarified with reference to **Item 15-b**, establishment of the Police and Emergency Services Department, that Council had indicated during the budget process that it felt formalization was now appropriate after an abbreviated trial period. Council also requested with reference to **Item 16**, adoption of an investment policy, that reporting be on a monthly rather than annual basis. Regarding **Item 17**, an ordinance revising the process for charging and collecting fees for police response to false alarms, staff was asked to review the effectiveness of various procedures followed by other cities and to provide data on the number of false alarms being experienced in Naples.

**CORRESPONDENCE and COMMUNICATIONS** .....  
None.

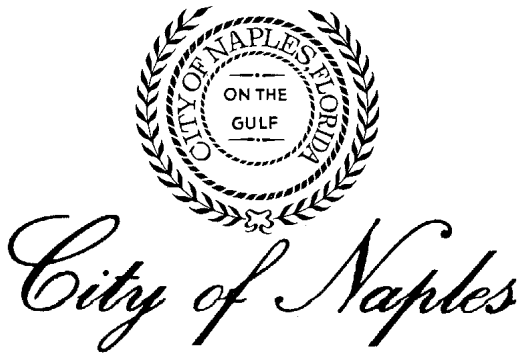
**ADJOURN**.....  
12:21 p.m.

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Paul W. Muenzer, Mayor

Tara A. Norman  
Deputy City Clerk

Minutes approved: 10/4/95



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**September 5, 1995**  
Convened 9:00 a.m. / Adjourned 12:21 p.m.

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