



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Special Meeting - May 18, 1994 - 5:30 p.m.

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 2

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
Missy McKim, Community Development Director
Ann Walker, Planner II
Marilyn A. McCord, Deputy City Clerk

Sue B. Smith
John A. Smith
John Passidomo
Henry Watkins
Nicole Polayse
Dennis Hass

Community Redevelopment Agency
Advisory Board Members:

Mark Weakley
Donald Johnson
Gail Boorman Pettey
Dudley Goodlette

Eric Staats,
Justyna Ford,
Naples Daily News
Chamber of Commerce

ITEM 2

ITEMS TO BE ADDED

No items were added to the agenda.

ITEM 3

PUBLIC HEARING TO CONSIDER THE PROPOSED COMMUNITY REDEVELOPMENT PLAN.

Community Development Director Missy McKim reviewed the proposed Community Redevelopment Plan, first providing a brief history of events leading up to consideration of the Plan. This public hearing was duly advertised and all taxing authorities involved were noticed. The Plan has been on view in the Council Chambers since April 25, 1994.

Chapter 163.360, Florida Statutes, contains the requirements for the preparation and adoption of Community Redevelopment Plans. Chapter 163.360 requires that, following a duly noticed public hearing, the governing body may approve a redevelopment plan if it finds that:

1. Even though no families are anticipated to be displaced as a result of community redevelopment as proposed in the Plan, a feasible method exists for the location of such families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
2. The Plan conforms to the general plan of the City as a whole;
3. The Plan gives due consideration to the provision of adequate park and recreational areas and activities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan; and
4. The Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Community Redevelopment Area by private enterprise.

Ms. McKim described changes which have been made in the Plan as a result of the many meetings held. She verified that the Plan does conform with the City's Comprehensive Plan and described the individual districts within the Redevelopment Area. The Plan identifies a number of programs for implementation, including traffic, recreation open space, etc. The Plan includes implementation of the Fifth Avenue South Master Plan. It recommends that the City proceed with consultant studies for the U.S. 41 corridor and Tenth Street corridor and allows staff to complete other studies.

A list of projects proposed within the Plan and their cost was reviewed. Those costs currently programmed in the five year Capital Improvement Program (C.I.P.) were also described and discussed. City Manager Woodruff pointed out that inclusion of C.I.P. projects and costs in the Redevelopment Plan gives the City the potential to utilize T.I.F. (Tax Increment Fund) funding.

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Ms. McKim reported that at their meeting on April 12, the Community Redevelopment Agency Advisory Board (C.R.A.B.B.) recommended adoption of the proposed Plan. At their meeting on April 13, the Planning Advisory Board (P.A.B.) found the Plan in compliance with the adopted Comprehensive Plan. At their meeting on April 18, the Community Redevelopment Agency (C.R.A.) recommended adoption of the Plan.

In response to Council Member Tarrant, City Attorney Chiaro said that Florida Statutes provide the authority for the creation of a C.R.A. and the appointment of either an independent body or the existing governing body may appoint itself the C.R.A. No specific provisions must exist in the City's Charter. Mr. Tarrant commented that the C.R.A. possesses the incredible power of seizure by eminent domain. The City Attorney explained that the State Statute allows that the C.R.A. may not proceed to take property by eminent domain without the approval of City Council. Mr. Tarrant countered that in his opinion public trust is violated by Council and the C.R.A. being the same individuals.

Next Mr. Tarrant asked what area of the total 609 acres of the Redevelopment Area is considered a slum or blighted area. Attorney Dennis Hass said that State Statutes require that only a part of a Redevelopment Area be designated as slum or blighted. The State does not require a certain number of acres. Dr. Woodruff commented, "In our case, the definition of slum or blight is probably very different from things we've seen in other areas. However, where lot sizes are nonconforming, buildings which are nonconforming, vacancy rates higher than normal...all those things begin to meet the State's definition of blight." Planner Ann Walker added that 70% of the lots in the Redevelopment Area do not meet parking standards; that criteria is also in the definition of blight.

Public Hearing: 6:03 p.m. - 6:35 p.m.

Justnya Ford, Naples Area Chamber of Commerce

Ms. Ford said, "For one and one half years I've been seated here and have listened to the extraordinary amount of talent devoted to this Plan. On behalf of the Chamber, we commend you for your efforts." Ms. Ford noted that the Chamber believes that the Plan affects the entire County and serves as an example. She commended the City staff and the Members of C.R.A.A.B. Ms. Ford told Council that the Chamber will continue to be an enthusiastic support and continue to offer its assistance.

Sue B. Smith, 15 11th Avenue South

Mrs. Smith stated that she was present for the record only, to note that many questions pertaining to the Redevelopment Plan have not been answered. She questioned the need for two legal consultants, and thanked Council Member Tarrant for his questions. In reply to Mrs. Smith, Community Development Director McKim explained that she had never proposed that third-floor residential units on Fifth Avenue would be affordable housing. Mrs. Smith suggested that the mixed use

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proposed for Fifth Avenue could be almost a hotel type of business.

Mrs. Smith questioned the issue of slum and blight, pointing out that the citizens were paying a bonus for the neglect of properties. She commented, "It's interesting that some of the blight and slum we went looking for were on City-owned property, for instance neglect of parking lots behind Fifth Avenue and streets with tremendous potholes." Mrs. Smith went on to say that there was no excuse or rationale for the neglect of areas within the City that were important to its charm or attractiveness. She asked what was planned for the residential area abutting Gulf Shore Boulevard. Ms. McKim explained that Mrs. Smith's neighborhood was outside the Redevelopment Area. Mrs. Smith rebutted, "We will have the overflow of the redevelopment. I'm pleading with you to know, what are you planning for my residence? Have you given any visionary thought to my area?" Council Member Van Arsdale said that Andres Duany predicted that the impact of redevelopment would only extend one block on each side of the area.

In reply to Mrs. Smith, Dr. Woodruff explained that the traffic study listed in the C.I.P. is not the same traffic study promised to the Old Naples area. The Old Naples traffic study is presently underway; it is expected to be in the possession of Council by June 1.

John A. Smith, 15 11th Avenue South

Mr. Smith announced that his concern was that perhaps the City was considering redevelopment in too minor a way. Dr. Woodruff said that the City does have a Comprehensive Plan, required by State Law, although he agreed it does not consider as far ahead in the future as it should. Mr. Smith pointed out that Naples had one of the first Master Plans in the United States, long before it was required. That Plan did look into the future, however outside people should have been brought in to oversee the Plan on a regular basis. More progressive cities have done that, and less deterioration to their cities has resulted. Naples has had many fragmented studies without a cohesive plan. Mr. Smith suggested, "What we have to do, I think, is take a bigger look and not be concerned about going too fast."

Mr. Smith referred to redevelopment efforts in Stuart, Florida. He said that it was necessary to compare Naples' redevelopment efforts to a city more the same size. Mr. Smith urged Council, "Please expand your planning process another ten years. As the City grows, you'll see a deterioration of lifestyle unless you plan. By piling more people in, we'll kill Old Naples." Mr. Smith pointed out that Naples has a natural boundary, the Gulf of Mexico, therefore can stop the flow of people. He said that when long range planning does not exist, disasters occur. Mr. Smith concluded, "Wealthy people do something when things get bad. They take a loss and move somewhere else. We have one of the few cities of this sort in the world, but from the Beach Club area south it's a sick area in the making."

Attorney R. Scott Barker, Post Office Drawer 159, Fort Myers

Attorney Barker, representing Nicole Polayse of 76 Sixth Avenue South, addressed Council. He

reported that Mrs. Polayse had grave concerns about the impact of the redevelopment area as a whole. Mr. Barker read his written comments into the record: "The comments I've heard here today about all the effort and the work that have gone into what you've done, I can heartily agree with this.

I've read a fair amount of it in the last couple days, and it's a stack about so high and there's a huge amount of effort that's gone into it. The drawings, the Andres Duany involvement, I think have produced a result with exquisite potential. A C.R.A., as you all know, is a powerful tool and as your City Manager points out, it sort of adapts itself to each community's circumstances so that what's blight in one community might not be in another. But that doesn't take away the responsibility for how it is used. It needs to be used very carefully.

"My client has two primary concerns. The first one is that the Redevelopment Study Area, or the area that you've designated as blighted, seems to be very large, and in reading the Plan it appears that while the Fifth Avenue portion of it, which I am led to believe is the part that was studied by Mr. Duany in conjunction with your organization, has received a great deal of attention and a great deal of specificity and is the beneficiary of a fairly specific plan of action. The remainder of the area seems to be planned in the sense that the uses that exist there now are acknowledged to exist and said 'These are the planned uses for now and we're going to study them.' My client's suggestion is that perhaps taking this in some sort of pieces or doing it in pieces would be appropriate, to execute the first portion of it, then using what happens with that to go on and do it a piece at a time. There's a tremendous amount of resource and time, with what you've done so far, on a relatively small portion of property, indicates that if you multiply that by the number of acres in the entire Plan, then the burden of time and cost is great.

"My client's alternative concern, her second concern, is that the Fifth Avenue area and its development, which although I heard the Councilman state that Mr. Duany said there would be no impact outside of a one-block area....my client isn't persuaded of that, believing that the emphasis in redevelopment matters seems to be on revitalizing the community by revitalizing its commercial and business interests, which would mean more people, more people mean more impacts on the neighborhood, on the adjoining residential area. My client is concerned with that since she owns property in that area. She is also concerned that the protections that are in your Comprehensive Plan would be given lip service as opposed to being fully integrated in the actual execution of the Plan. That basically sums up what I have to say and I appreciate your time."

NOTE: There was no action required on Item 3.

RESOLUTION NO. 94-7202

ITEM 4

A RESOLUTION OF THE CITY OF NAPLES, FLORIDA, APPROVING A COMMUNITY REDEVELOPMENT PLAN PURSUANT TO SECTION 163.360, FLORIDA STATUTES, FOR THE COMMUNITY REDEVELOPMENT AREA GENERALLY DESCRIBED AS INCLUDING THAT AREA BOUNDED ON THE NORTH BY 7TH AVENUE NORTH, ON THE EAST BY THE GORDON RIVER, ON THE SOUTH BY 6TH AVENUE SOUTH, AND INCLUDING CAMBIER PARK, AND ON THE WEST BY 6TH STREET, AND THAT PORTION OF 5TH AVENUE SOUTH CONTINUING WESTERLY TO 3RD STREET SOUTH; REAFFIRMING THE FINDING OF THE EXISTENCE OF ONE OR MORE SLUM OR BLIGHTED AREAS AND A SHORTAGE OF AFFORDABLE HOUSING IN THE CITY; DEFINING THE COMMUNITY REDEVELOPMENT AREA; MAKING CERTAIN FINDINGS AND DETERMINATIONS; FINDING CONFORMITY TO THE COMPREHENSIVE PLAN; AUTHORIZING AND DIRECTING THE COMMUNITY REDEVELOPMENT AGENCY TO IMPLEMENT THE PLAN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Staff had no additional comments to make relative to the resolution. In response to Council Member Tarrant, Attorney Hass confirmed that under Florida Statutes, the C.R.A. is set up by the legislature to be a separate body. The law also provides for the same group of people to be two separate bodies.

Dr. Woodruff said that he could appreciate Mr. Tarrant's concerns, however he pointed out that many cities starting off as separate groups have become the same group. Mr. Tarrant expressed his thanks for the explanation, but noted, "I see clear and obvious dangers to the citizens to have the same players as the C.R.A. and City Council. Also, the Staff Action Committee (S.A.C.) disturbs me. Peter (Van Arsdale) is an honorable person; I have no concern with any conflict of interest he might cause. But when someone is a Member of City Council and leading S.A.C. in the same area where he has his business, it's clear to me that's a conflict of interest.

Public Input: None.

It was the consensus of Council to replace the word "should" with "may" on Page 39 of the Plan where it refers to roundabouts. Where the Plan refers to projected costs of drainage, Tenth Street will be deleted.

Council discussed the Gordon River boardwalk right-of-way project included in the Plan. Vice Mayor Korest stated, "It seems we are being asked to approve a resolution which sets up the Community Redevelopment Plan. We're not approving expenditures of any funds. There will be

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ample opportunity to come back. Any expenditures must be approved by the C.R.A. and City Council." **Vice Mayor Korest moved to approve the Community Redevelopment Plan. The motion was seconded by Council Member Prolman.**

Council continued its discussion about the Gordon River boardwalk. Mayor Muenzer pointed out that its cost represents 28% of the Plan's total budget. Council Member Pennington said, "Spending over \$5,000,000.00 is beyond the realm of probability, but I don't see the advantage of imposing a limitation at this time. They (the projects) are included and priced out; there is nothing detrimental with having them in there. We have a thirty year program; we'll be prioritizing it. It's early to throw out some of these things; I don't think we should reject items."

Community Development Director McKim suggested that Council keep the language as it is; that will keep that concept as part of the Plan, she noted, with a cost to be added later.

AMENDED MOTION:

To **APPROVE** the Community Redevelopment Plan, supporting the concept of the Gordon River boardwalk but removing it from Table 5, Projected Costs of Publicly Funded Projects in the Redevelopment Area.

Council Member Tarrant congratulated Ms. McKim and Ms. Walker for their work and said that he enthusiastically supported many elements of the Plan. He continued, "However, I think we're basically setting aside our duty to act as Council Members and creating a new entity for the sake of convenience and financial gain." Mr. Tarrant voted in the negative.

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

ORDINANCE NO. 94-

ITEM 5

AN ORDINANCE ESTABLISHING AND PROVIDING FOR THE FUNDING OF A REDEVELOPMENT TRUST FUND PURSUANT TO SECTION 163.387, FLORIDA STATUTES, TO FINANCE OR REFINANCE COMMUNITY REDEVELOPMENT WITHIN THE NAPLES COMMUNITY REDEVELOPMENT AREA GENERALLY DESCRIBED AS INCLUDING THAT AREA BOUNDED ON THE NORTH BY 7TH AVENUE NORTH, ON THE EAST BY THE GORDON RIVER, ON THE SOUTH BY 6TH AVENUE SOUTH, AND INCLUDING CAMBIER PARK, AND ON THE WEST BY 6TH STREET, AND THAT PORTION OF 5TH AVENUE SOUTH CONTINUING WESTERLY TO 3RD STREET SOUTH, AND MORE

PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; DETERMINING THE TAX INCREMENT TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING ASSESSED VALUES OF PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA FOR TAX INCREMENT PURPOSES; PROVIDING FOR THE ANNUAL APPROPRIATION OF THE TAX INCREMENT BY CERTAIN TAXING AUTHORITIES REQUIRED BY THE COMMUNITY REDEVELOPMENT ACT OF 1969, AS AMENDED, WHICH LEVY TAXES UPON TAXABLE REAL PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING EXEMPTION FOR COLLIER COUNTY MOSQUITO CONTROL DISTRICT; PROVIDING FOR ANNUAL INDEPENDENT AUDIT AND REPORT OF REDEVELOPMENT TRUST FUND; PROVIDING FOR DISPOSITION OF FUNDS REMAINING IN REDEVELOPMENT TRUST FUND AT END OF EACH FISCAL YEAR; APPOINTING THE GOVERNING BODY OF THE COMMUNITY REDEVELOPMENT AGENCY AS THE TRUSTEE OF THE REDEVELOPMENT TRUST FUND; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff used visual aids to describe examples of T.I.F. funding. He assured Council that assessed value of property is the determining factor. Council Member Pennington commented, "The net result of this is a total gain for everyone."

Public Input: None.

For the record, Attorney Hass stated that statutory notice was also provided to all taxing authorities included in the Redevelopment Area.

MOTION: To **APPROVE** the ordinance at first reading.

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

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CORRESPONDENCE/COMMUNICATIONS

Mayor Muenzer and Council Member Pennington announced the dates they will be out of town. The Mayor reminded everyone that the next Workshop Meeting will be held on Tuesday, May 31, since Monday the 30th is a holiday.

ADJOURN: 7:20 p.m.

PAUL W. MUENZER, MAYOR

Janet Cason
City Clerk

Marilyn A. McCord
Deputy City Clerk

These minutes of the Naples City Council were approved on June 1, 1994.



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May 18, 1994
Convened 5:30 p.m. / Adjourned 7:20 p.m.

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