

City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Workshop Meeting - January 16, 1996 - 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

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
Mark Thornton, Comm. Services Director
Dan Mercer, Utilities Director
Dr. Jon Staiger, Natural Resources Mgr.
Virginia Neet, Deputy City Clerk
George Henderson, Sergeant-at-Arms
Andrea Clark Brown
Joe Bonness
Adrian Scholnick
Henry Watkins

Media:

Michael Cote, Naples Daily News
David Taylor, Continental Cablevision

ITEMS TO BE ADDED (9:05 a.m.)ITEM 2

None. City Manager Richard Woodruff noted, for the record, that Item 6 (Discussion of Noxious Plant Ordinance) was added to the agenda subsequent to its advertisement.

***MOTION by Pennington to ADD ITEM 6 TO THE ADVERTISED AGENDA;
seconded by Sullivan and unanimously carried, all members present and voting.
(Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)***

**REVIEW OF ITEMS ON 1/17/96 REGULAR MEETING AGENDA.....ITEM 3
(9:06 a.m.)**

Item 18 (construction of storage room at Norris Center) Council Member Prolman requested that this item be removed from the Consent Agenda for separate discussion.

Item 17 (emergency repairs to a water main at Fleischmann Boulevard and Goodlette-Frank Road) Council Member Sullivan requested a report relating to the cause of the water main break.

Item 6 (amendment to Division 5 of the Comprehensive Development Code, "Third Street Commercial Area Special Overlay District") - Council Member Pennington noted that the proposed legislation should state ordinance and not resolution. Council Member Sullivan commented that the issue required more research and discussion and suggested that it be considered in conjunction with the new Comprehensive Plan. He also pointed out that the Planning Advisory Board would be considering the issue that evening. City Manager Richard Woodruff explained that this item was being expedited at the request of Third Street South property owners and merchants who wished to have it considered by the current Council. Mayor Muenzer requested a concise report of the PAB meeting.

Item 7 (consider revocation of conditional use for Mageiro's Restaurant) - In response to Council, City Attorney Maria Chiaro clarified that Council Member Van Arsdale could not present testimony at the hearing and also sit as a finder of fact. She then explained that the hearing would consist of evidence and testimony relating to the criteria set forth in the conditional use and Council would determine whether this evidence indicates a violation of this criteria since the last hearing of November 1, 1995. She further clarified that should Council limit revocation to Resolution 95-7389, which extended the hours of staged entertainment from 11:00 p.m. to 1:00 a.m., the evidence must be directed to violations occurring between those hours. Attorney Chiaro cautioned, however, that the background information contained in the Council packet was not the evidence and indicated that documentary evidence could consist of a contemporaneously prepared dairy of one of the neighbors or a police report explained by its author. Further Council inquiries focused on the legal issue presented by attorney Michael Volpe, representing Mageiro's Inc., wherein he contended that violation of the conditional use should be determined by the Code Enforcement Board, not City Council. City Attorney Chiaro stated that this was an arguable legal point but, in her opinion, it was within Council's purview to conduct the revocation hearing.

Item 8 (contract with Dr. Herb Marlowe for services as facilitator to assist with the comprehensive planning process) Council Member Prolman requested specific language in the contract requiring Dr. Marlowe to personally perform the work. City Council also requested a cap for services at \$10,000.00.

Item 10 (Consider support efforts for rehabilitation or replacement of the River Park Apartments) In response to Council, City Attorney Chiaro described the resolution as an official statement of support for current efforts to rehabilitate River Park Apartments.

Item 4 (Announcements) Council Member Prolman requested an announcement regarding the Florida Arbor Day Celebration.

.....ITEM 4
DISCUSSION OF AMENDMENT TO THIRD STREET OVERLAY DISTRICT REGULATIONS. (9:50 a.m.)

Planning Director Missy McKim referred to prior authorization for staff to assist the Third Street Property Owners in updating and expanding the Third Street Overlay District zoning regulations. The purpose, Ms. McKim explained, was to continue the development and implementation of the Master Plan effort and to ensure that Third Street continues to successfully function as a retail area. During this effort, staff had toured the area and met with a representative group of the property owners on five occasions. Using overhead transparencies, Ms. McKim outlined specific Master Plan objectives for Third Street and The Avenues: improve parking efficiency and pedestrian circulation; create a signage program, and; encourage compatible architectural design. (A copy of the material referenced by Ms. McKim is contained in the file for the January 17, 1996 Regular Meeting in the City Clerk's Office.)

Architect Andrea Clark Brown, representing the Third Street Property Owners, abstained from voting on this issue in her capacity Planning Advisory Board Chairman. She summarized the first two phases of the Master Plan as defining the parameters of the district and its development and described how the third phase, as proposed, would organize parking, implement architectural standards such as scale of construction and signage, color palette, and roof line characteristics. Ms. Brown then referred to a voluntary program proposed by the Master Plan which would enhance parking visibility and encourage pedestrian use of the alleyways through the use of brick-paved, curbside walkways referred to as the "yellow brick road".

Ms. Brown then used an aerial map of the eight-block "Third Street and The Avenues District" to illustrate how slight modifications to the present alley system would enhanced parking access and lessen curb cuts. (A copy of the aerial map referenced by Ms. Brown is contained in the file for the January 17, 1996 Regular Meeting.) She said the identification and improvement of the alleys would ultimately be part of agreements with individual owners wishing to upgrade their parking lots and improve pedestrian access through the alleyways. Part of this Master Plan objective, she added, was the brick paved, curbside walkways which would be funded by the individual property owners along their portions of the alleyway. Additionally, the proposed ordinance would provide an incentive whereby those property owners contributing to the paving plan may gain additional parking space. She clarified, however, that this was not a requirement of the ordinance and would be determined on a case by case basis. Ms. Brown then indicated that the Third Street Property Owners were reluctant to introduce additional parking garages since the area's existing garage is not fully

utilized.

Council Member Prolman stated that additional details, such as lighting, should be addressed and explored in order to make this a cohesive district. Ms. McKim responded by clarifying that the proposed ordinance dealt solely with private property and an overall lighting plan would be part of a public/private package to be submitted at a later date. Council Member Pennington agreed that lighting was a priority and observed that since the Third Street District was not a redevelopment area, any public/private partnership would be funded by direct tax funds. Council Member Van Arsdale sought to have the Avenues issue addressed as a priority. Council Member Tarrant expressed concern about moving too rapidly and requested more information on the property owners' points of view.

Ms. McKim explained that staff had provided a copy of the proposed ordinance to all property owners and merchants within the Third Street District and had notified them and residents within 500 feet of the evening PAB meeting. Ms. McKim then used overhead transparencies to review the proposed changes to the Third Street Overlay District specifically pointing out the signage criteria. (A copy of this material is contained in the file for this meeting and the file for the January 17, 1996 Regular Meeting.) She explained how the proposed signage criteria would substantially limit the size of the signs but would increase the number of signs permitted. Although the proposed ordinance would prohibit vertical awnings, it would permit replacement of existing vertical awnings until such time as the facade of the building is altered. Ms. McKim also reviewed the proposed architectural standards and explained that the broad color pallet would maintain the variety that currently exists.

.....**ITEM 5**
DISCUSSION OF TEMPORARY USE OF NAPLES LANDING PARK BY THE NAPLES
SAILING CENTER. (11:39 p.m.)

Community Services Director Mark Thornton provided background information regarding the development of a permanent water-based facility at the Naples Landing Park and relayed Naples Sailing Center's request for temporary use until long term plans are finalized. This would include the installation and exclusive use of a 8' X 20' temporary storage building and the installation of a T-Dock from the park to the bay, both of which would be funded by the Naples Sailing Center. He noted the possibility of this being a temporary T-Dock since a recent State grant for the park's redevelopment included T-Dock construction. Mr. Thornton also noted that the temporary use would not exceed one year. Natural Resources Manager Jon Staiger confirmed that there would be minimum permitting requirements for the floating T-Dock since it would be used only by non-power watercraft.

Vice Mayor Korest pointed out, however, that other sailing and rowing organizations were interested in using the park and questioned why the Naples Sailing Center should be the only group permitted to build a storage facility. He also stated that Council should see a plan prior to granting temporary uses. It was subsequently determined that The Naples Sailing Center was the only organization which had made a request for temporary use of the park. Council Member Pennington questioned whether the park was the proper location for the sailing center due to its limited parking and heavy traffic and other Council Members expressed concern about the placement and design of the

temporary building.

Joe Bonness, of the Naples Sailing Center, clarified that the center's current agreement with the Naples Sailing and Yacht Club was limited to sailing instruction only and it was the center's wish to offer open sailing.

Adrian Scholnick, as president and founder provided background on the Gulf Coast Rowing Association and said Naples Bay offers the only water venue to accommodate a 2,000 meter practice course. Ms. Scholnick then requested authorization for her organization to build a small floating launch and to use an area of park land for boat storage. She also stated that her group had attempted, without success, to work with the Naples Sailing Center during this planning process without success.

City Manager Richard Woodruff reminded Council that the Naples Sailing Center's temporary use request was the only one which had gone through the Community Services Advisory Board. Council Member Pennington cited safety and parking considerations and suggested that Council table the issue. He also requested additional information from staff regarding the impact of the proposed activities.

MOTION by Pennington to TABLE THE REQUEST OF THE NAPLES SAILING CENTER FOR TEMPORARY USE OF NAPLES LANDING PARK; seconded by Sullivan and carried 5-2. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-no, Muenzer-yes).

A previous motion by Van Arsdale to approve the request for temporary use was superseded by the motion to table.

Break 12:23 p.m. - 12:33 p.m. It is noted for the record that Council Member Van Arsdale was absent when the meeting reconvened.

DISCUSSION OF NOXIOUS PLANT ORDINANCE (12:33 p.m.)ITEM 6

City Manager Richard Woodruff referred to the December 18, 1996 Workshop Meeting wherein Council discontinued enforcement of the ordinance and directed staff to propose amendments which would eliminate frivolous complaints. The basis of these complaints was Subsection (c) which requires trimming or removal of specified noxious plants which may create a hazard during a storm or which extend over a property line.

Council Member Pennington clarified that the intent of the ordinance was to reduce the number of noxious plants and suggested that if the ordinance is to address the potential of falling trees, it should not be limited to specific species.

Dr. Woodruff then read memorandums to Council dated January 3, 1996 and January 9, 1996 which proposed amendments to the nuisance ordinance. (Attachment 1)

City Attorney Chiaro stated that she was concerned because proposed language constituted non-legislative policy statements. She also pointed out that the proposed amendments provide for a

violation of the ordinance only if a neighbor states that there is a violation. In response to Council, City Attorney Chiaro clarified that discretionary decisions by the City relating to enforcement would not subject the City to liability. Council Member Prolman reminded Council of earlier discussions regarding possible grants to property owners as an incentive to remove exotic plants and trees and suggested utilizing the \$30,000.00 originally budgeted for these grants in order to remove exotics on City property.

Natural Resources Manager Jon Staiger suggested staff investigation of complaints prior to the issuance of citations.

It was determined that the amendment proposed in the January 3, 1996 memorandum would be considered deleting language in Section (c) ". . . if the affected neighbor requests it.". Dr. Woodruff than stated that first reading of the proposed amendment would be added to the January 17, 1996 Regular Meeting agenda.

CORRESPONDENCE / COMMUNICATIONS.....

None. (12:28 p.m.)

ADJOURNED

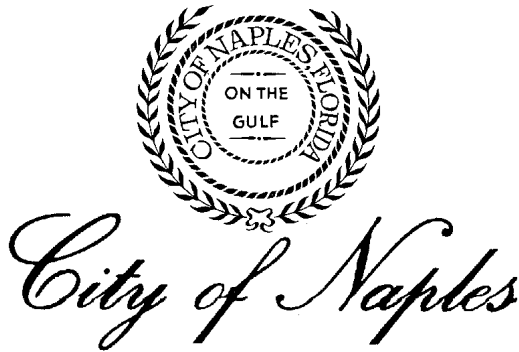
12:29 p.m.

Paul W. Muenzer, Mayor

Tara A. Norman
Chief Deputy City Clerk

Virginia A. Neet
Deputy City Clerk

Minutes approved: 2/7/96.



Index
City Council Workshop Meeting
January 16, 1996
Convened 9:04 a.m. / Adjourned 12:59 p.m.

ADJOURNED	6
CORRESPONDENCE / COMMUNICATIONS.....	6
DISCUSSION OF AMENDMENT TO THIRD STREET OVERLAY DISTRICT REGULATIONS (Item 4)	3
DISCUSSION OF NOXIOUS PLANT ORDINANCE (Item 6).....	5
DISCUSSION OF TEMPORARY USE OF NAPLES LANDING PARK BY THE NAPLES SAILING CENTER (Item 5).....	4
ITEMS TO BE ADDED (Item 2)	2
REVIEW OF ITEMS ON 1/17/96 REGULAR MEETING AGENDA (Item 3).....	2
ROLL CALL (Item 1).....	1
Attachments (1)	