



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Joint Workshop Meeting - September 16, 1996 - 8:30 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL

ITEM 1

Present: Bill Barnett, Mayor
Marjorie Prolman, Vice Mayor

Council Members:
Bonnie R. MacKenzie
John R. Nocera
Fred Tarrant
Peter H. Van Arsdale (Arrived at 8:31 a.m.)

Absent: Council Member Fred L. Sullivan

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Missy McKim, Planning Director
Richard Gatti
Development Services Director
Kevin Rambosk, Chief of Police &
Emergency Services
Ron Lee, Planner III
Virginia Neet, Deputy City Clerk
George Henderson, Sergeant-at-Arms
Virginia Corkran
Norm Feder
Mike Ripp
Herbert Marlowe, Jr., Ph.D.
Louis Amato

Joseph Bawduniak
Marvin Bell
Tarry De Baun
Ron Soulard
Robert Huvhere
Sam Wilson
Don Stafford
Other interest citizens and visitors

Media:
David Taylor, Continental Cablevision

ITEMS TO BE ADDEDITEM 2

City Manager Richard Woodruff requested that the following item be added to the agenda:

Item 7 Discussion Regarding Amending the Commercial Districts to Require Conditional Use Approval for Restaurants and Cocktail Lounges

Council Member Tarrant requested that the following item be added to the agenda:

Item 8 Discussion Regarding the Use of Tourist Development Council Funds for Fishing Pier Renovations

It is noted for the record that Council Member Van Arsdale arrived at the meeting at 8:31 a.m.

**.....ITEM 3
REVIEW OF ITEMS ON THE 9/18/96 REGULAR MEETING AGENDA. (8:31 a.m.)**

Item 5 (Revised Fee Schedule for Cambier Park Tennis Center) - Council Member MacKenzie commented that a "per person" fee would penalize doubles players and requested additional research into fees charged by other area parks. Council Member Van Arsdale requested data regarding total City and non-City memberships along with tennis rates charged by the Pelican Bay park and the Registry Hotel. Peak and off-peak pricing information was also requested. Mayor Barnett questioned why family memberships would be eliminated and Vice Mayor Prolman asked for a comparison between the impact of two-year and three-year phasing of the increased rates. Item 8 (Park Naming Policy) - Vice Mayor Prolman noted inconsistencies within the document and suggested broader categories in the policy statement. Item 12 (Consider Operation of a Pedicab System) - Council Member MacKenzie noted sections of the agreement which, she stated, needed clarification.

Later in the meeting, Planning Director Missy McKim distributed a proposed resolution amending the contract with facilitator Dr. Herb Marlowe, Jr., and noted that this item would be added to the 9/18/96 Regular Meeting agenda.

**.....ITEM 8
DISCUSSION REGARDING THE USE OF TOURIST DEVELOPMENT COUNCIL FUNDS FOR FISHING PIER RENOVATIONS (Requested by Council Member Tarrant) (8:41 a.m.)**

Council Member Tarrant referred to recent restoration to the Naples Fishing Pier, the cost of which was shared by the City of Naples and Collier County taxpayers. He reasoned that since the pier is a major tourist attraction, future pier renovation should be funded by the Tourist Development Tax. He then requested Council's concurrence in order for Mayor Barnett to submit this request to the

Tourist Development Council and further suggested that the Beach Renourishment/Maintenance Committee be apprised of this issue. City Manager Woodruff concurred with Council Member Tarrant and noted that the western 400 feet of the pier would be restored within the next five years at an estimated cost of \$450,000.00.

It was the consensus of Council that Mayor Barnett would introduce this request to the Tourist Development Council.

.....ITEM 7
DISCUSSION REGARDING AMENDING THE COMMERCIAL DISTRICTS TO REQUIRE CONDITIONAL USE APPROVAL FOR RESTAURANTS AND COCKTAIL LOUNGES (8:46 a.m.)

City Manager Richard Woodruff noted continuing problems arising from the incompatibility of restaurants and cocktail lounges with surrounding residential neighborhoods. Planning Director Missy McKim then used an aerial map to illustrate that a majority of the City's commercially zoned areas border either single-family or multi-family residential districts. A means to manage or even prevent this incompatibility, she added, would be to require conditional use approval for all restaurants and cocktail lounges in these districts. The City would then have the ability to review the proposed business operation and better regulate such recurring problems as disturbances caused by trash receptacles and deliveries. This would apply to new restaurants and existing restaurants would become non-conforming uses until such time that they expand or a liquor license is issued. She then requested Council's direction as to whether staff should initiate the process of amending the City Code to convert restaurants and cocktail lounges from permitted uses to conditional uses.

Council Member Van Arsdale expressed concern that this conditional use approval process could politicize what is essentially a planning issue and observed that the greater problem was the general incompatibility of commercial and residential zoning district. He also pointed out that the conditional use process was expensive and time consuming and suggested that those restaurants bordering single-family properties limit hours of operation. Mayor Barnett took the position that existing restaurants should not be subject to this new conditional use even if the business operation expands, and Vice Mayor Prolman reasoned that restaurants should be located in a commercial district. In response to Council Member MacKenzie, City Attorney Chiaro provided information regarding recent State legislation referred to as the Harris Act and described situations where the City could be liable for lost anticipated uses if a property is downzoned.

It was determined that staff would research the subject further with the City Attorney.

.....ITEM 5
DISCUSSION OF ORDINANCES REGULATING THE SERVICE OF ALCOHOLIC BEVERAGES ON SUNDAY. Requested by Bruce Management (dba Eagle Liquors and Swamp Buggy Lounge) (9:10 a.m.)

City Manager Richard Woodruff referred to the August 28, 1996 letter from the Swamp Buggy Lounge owner, Barbara Bruce, requesting relief from the City's prohibition against the sale of alcoholic beverages on Sunday. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) He explained that City establishments deriving less than 51% of their revenue from the sale of food are currently prohibited from Sunday operation. Mayor Barnett stated

that since the Swamp Buggy Lounge was the only establishment impacted by this prohibition, he had no objection to amending the Code; however, Council Member Van Arsdale cautioned that the elimination of this ban could invite more cocktail lounges along U.S. 41. Dr. Woodruff then suggested an alternative of permitting limited hours of Sunday operation and Planning Director Missy McKim pointed out that the Sunday prohibition was an important deterrent to adult entertainment establishments within the City. Council Member Tarrant, however, took the position that the Swamp Buggy Lounge was a victim of economic discrimination and suggested addressing this issue on a case by case basis.

In response to Council, City Attorney Chiaro outlined the City's current distance requirement between liquor licensees noting that Council approval is required to waive this regulation.

It was determined that staff would consult with the City Attorney and research available options regarding this request.

Break 9:22 a.m. to 9:33 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....**ITEM 4**
REVIEW WITH FLORIDA DEPARTMENT OF TRANSPORTATION OF GORDON
RIVER BRIDGE RECONSTRUCTION. (9:34 a.m.)

Norman Feder, Director of District One Planning & Programs for the Florida Department of Transportation, provided Council with an overview of the Gordon River Bridge reconstruction projects noting that the segments of U.S. 41 west of Goodlette Road to east of Davis Blvd. and from Davis Blvd. to Airport-Pulling Road were fully designed. In his presentation, Mr. Feder noted the following.

- Work on the project is scheduled to begin in April 1997 with projected completion by early 1999.
- Plans include a Sandpiper Street median and a pedestrian underpass from the Comfort Inn to Tin City.
- All necessary rights-of-way had been obtained.
- Four lanes of traffic would remain open during construction.
- The bridges would be raised from one and one-half to three feet.

In response to Council, Mr. Feder then described specific design aspects relating to the Sandpiper Street median and it was noted that there would be no changes regarding Davis Boulevard/Sandpiper Street access. F.D.O.T. representative Mike Ripp then explained that tow walls or gravity walls would be built to compensate for the increased bridge height and also described modifications to existing median openings. He added that businesses would be accommodated with right-in/right-out traffic; however, some of the establishments may want to modify their entrances to coincide with the median openings. Further Council discussion focused on the proposed median opening locations and Council Member Van Arsdale noted that the closing of the 11th Street median would add traffic to 10th Street and 6th Avenue. He also commented on the effects of eliminating the right-out egress from Tin City onto U.S. 41. Mr. Ripp, however, responded that this median closing was necessary to accommodate the expanded left-turn lane onto Goodlette-Frank Road. Development Services

Director Dick Gatti also noted that additional traffic signals had been budgeted to coordinate increased side-street traffic. Council Member Van Arsdale, however, requested further analysis of the impact of closing these median openings.

In response to other Council inquiries, Mr. Ripp outlined provisions for signage before and during bridge reconstruction and City Manager Richard Woodruff described plans for median landscaping. Council also requested information relating to utility relocation, sidewalk/bike path widths, street light design, and the rationale for 8-lane versus 6-lane striping. Mr. Ripp reiterated that since the design plans for both projects were complete, further modifications would be difficult. He also stressed that this roadway was designed with a 20-year horizon. Council then requested a more detailed F.D.O.T. presentation regarding the design aspects, as referenced above, and additional analysis into retaining more south access points.

At this time, an unidentified member of the audience questioned whether the public would have an opportunity to object to the intended design; but, Dr. Woodruff noted that during the process of achieving this final design, several advertized public hearings where conducted. He also reminded Council and the public that the City could do little to modify this final design.

Public Input:

Marvin Bell of 1580 Curlew Avenue stated that he was very disappointed that the State had not provided detailed design plans at this meeting. In response, Mr. Feder stated that he understood the purpose of this presentation was to provide a scheduling update regarding the project and also referred to prior public hearings regarding the bridge reconstruction. He agreed to arrange an additional presentation but cautioned that delays could impact additional tourist season months. Council Member Tarrant then referred to Council's prior opposition to an 8-lane span which was relayed to the Metropolitan Planning Organization. He further noted that the Collier County Commissioners were also involved in the final design. Vice Mayor Prolman added that it was her understanding that the bridge would be built for eight lanes but striped for six. **Terry De Baun of 1300 Curlew Avenue** objected to planned modifications to Sandpiper Street contending that there should be access from Davis Boulevard other than through the industrial area. She also objected to the proposed removal of landscape buffering along adjacent commercial property and contended that no one listened when residents stated their opposition at prior public hearings.

Dr. Woodruff responded by stating that upon completion of the reconstruction, the City would work with Royal Harbor residents to replace this landscape buffer. He also noted plans to use excess property at this entrance as a passive park.

CORRESPONDENCE/COMMUNICATIONS.....

Council Member Van Arsdale commented on current 41-10 redevelopment funding efforts and expressed concern that the 41-10 Association would not be able to secure the necessary support by the February 1997 deadline. He stressed that it was important to maintain the redevelopment momentum and suggested a commitment which would insure the continuation of these efforts. Council Member Tarrant commented that it was difficult to get property owners and merchants to contribute funds for a consultant study. After further discussion, it was determined that this issue would be deferred to the next Regular Meeting in order to benefit from Council Member Sullivan's

input. Council Member Nocera then commended efforts of the 41-10 Association which, he stated, initiated this process in the redevelopment area.

At this time, City Manager Richard Woodruff distributed copies of documents relating to Vision 2005 discussion scheduled for later in the meeting. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Break 10:24 a.m. - 1:32 p.m. It is noted for the record that a roll call was taken of the City Council and Planning Advisory Board. Council Members Nocera and Sullivan and Planning Advisory Board Members Brown and Cronin were absent.

.....ITEM 6
DISCUSSION OF 2005 VISIONING (COMPREHENSIVE PLANNING PROCESS) - *Joint Workshop with Planning Advisory Board* (1:32 p.m.)

Facilitator Dr. Herbert Marlowe explained that this discussion would focus on Visions 2005's Strategy 9 (Naples Municipal Airport). Dr. Marlowe then referred to his prepared summary of the various strategy versions which would be presented to Council. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

In response to Council Member Tarrant, Mayor Barnett noted the presence of Airport Authority Members Louis Amato and Joseph Bawduniak and City Attorney Chiaro clarified that Council Members Van Arsdale's profession as a travel agent would not create a conflict of interest. Council Member Van Arsdale responded, for the record, that only two to three percent of his income is derived from Naples Municipal Airport operations.

It is noted for the record that Council Member Nocera arrived at the meeting at 1:45 p.m. and Planning Advisory Board Member Brown arrived at 1:54 p.m.

Council Member Van Arsdale used overhead transparencies to outline his version of Strategy 9 which he said incorporated views of the Planning Advisory Board, Airport Authority, Citizens for Control of Airport Noise (C.A.N.) (Attachment 1) In his presentation, Council Member Van Arsdale referred to his aviation background and reminded Council that many aspects of airport operations are controlled by Federal law. He also suggested that Council establish an ad hoc airport noise committee to make recommendations to the Naples Airport Authority on the adoption of safe and legal noise abatement procedures.

C.A.N. representative Ron Soulard stated that he was not notified that he would be presenting C.A.N.'s version of Strategy 9. He took issue with portions of Council Member Van Arsdale's proposal but stated that he would make his presentation at the end of the meeting. He also suggested that the Federal restrictions regarding the airport be articulated and provided to interested groups.

In presenting his proposed version of Strategy 9, City Manager Richard Woodruff reminded the public that government is never able to create the perfect document and the purpose of this discussion was to reach a compromise. Using color-coded transparencies, Dr. Woodruff then presented a Strategy 9 version which, he stated, merged the common viewpoints of the consultant's original version and the C.A.N. version. (Attachment 2) Dr. Woodruff then noted that the City Council has final approval of the airport's Master Plan and also outlined functions and responsibilities of the Naples Airport Authority. He emphasized that Council has limited authority

over the N.A.A. which operates by means of a special act of the State Legislature.

Referring to Scenario 1, as described in the airport's Master Plan Update, Council Member Tarrant requested a definition for "status quo." Dr. Woodruff responded that, in his opinion, Scenario 1 would not preclude increased private jet and propeller aircraft landings or the increased use of commercial propeller aircraft. Status quo, he clarified, refers to the type of commercial traffic and did not address traffic volume, private aviation, or the type of private aviation. Council Member Tarrant then reiterated his contention that, in this case, status quo would not protect the City against increased airport activity levels and further maintained that airport profits would be used for expansion. He also questioned why C.A.N. was not informed that presentations would be made.

At this time, Mr. Soulard requested additional time to speak. With the assistance of Dr. Marlowe, Council, the Planning Advisory Board, Mr. Soulard, and staff reviewed each section of proposed Strategy 9 versions and agreed upon a final version which was subsequently summarized by the Planning Department. (Attachment 3) During these discussions, concerns and comments expressed by Council, P.A.B., and C.A.N. included the following:

Title

Council Member Tarrant suggested that the title included a request to the N.A.A. to place an immediate moratorium on all further expansion at the airport until completion of their consultant's report.

After a consensus was reached regarding the title, Mayor Barnett requested that Mr. Soulard finish his presentation to Council. Mr. Soulard contended that lack of enforcement was one of the prime problems with this noise abatement issue. He then relayed C.A.N. recommendations to: 1) create a log of all operations including the date, time, registration number, and aircraft type; and, to appoint a permanent, independent noise abatement officer during the airport's hours of operation; 2) discontinue 24-hour airport operations; and, 3) restrict certain or all jet departures through Runway 4 and arrivals on Runway 22. Additionally, he relayed provisions which, he stated, were required by Federal Aviation Regulation Part 150 Noise Compatibility Plan: 1) restrictions based on Federal standards; 2) capacity limits based on noisiness; 3) noise abatement procedures; and, 4) landing fees based on noise/time and curfews.

The Issue

Planning Advisory Board Member Rideoutte pointed out that since this is a long-term document, it should provide for issues other than noise. Council Member Van Arsdale, however, reasoned that noise would always be a major issue. Council Member Tarrant further suggested that the issue specify that the City does not receive a financial return from the airport.

Desired Results

Vice Mayor Prolman stated that this small airport had not been designed to meet the community's air transportation needs and this terminology may therefor indicate future expansion. She suggested using the word "serve" in place of "meet." Redundancies within the proposed Desired Results were identified and eliminated and alternate language was proposed and discussed by those in attendance.

Dr. Woodruff also provided additional explanation regarding the City's regulatory powers over the airport through the Master Plan.

Break 3:03 p.m - 3:11 p.m. It is noted for the record that the same Council and Planning Advisory Board Members were present when the meeting reconvened.

Comprehensive Plan Recommendations

Referring to Recommendation A2, Council Member Van Arsdale and Mr. Soulard suggested Scenario 1 be defined and it was agreed that the correct technical language would be included. Alternate verbiage for the other Recommendations was discussed and Council Member Tarrant recommended the following addition: "The Airport Authority shall take no action that would increase air traffic or attract larger or noisier aircraft." Referring to proposed Recommendations C1 and C2, Council Member Van Arsdale stated that Council should have clearly defined goals regarding carrying capacity and stick to those goals when interviewing Airport Authority candidates.

He also stressed that these goals should be feasible. Mr. Soulard, however, contended that the City should define the parameters, not the Airport Authority. Council Member MacKenzie suggested additional clarifications to Recommendation C2 and Council Member Van Arsdale suggested eliminating references to the airport lease in Recommendation E. Airport Authority Member Louis Amato then provided additional clarification regarding Federal Aviation Regulation Part 150 and Part 161 Plans.

Enhanced Programming Recommendations

Vice Mayor Prolman suggested quarterly meetings of the City Council and the Airport Authority as referenced in Recommendation A; however, Council Member Van Arsdale commented that annual meetings would suffice provided there was a specific agenda. Mr. Soulard also suggested quarterly public meetings. Discussion then focused on whether a Council appointed advisory board should be established to specifically focus on airport noise issues. Council Member Tarrant took the position that this committee would duplicate C.A.N.'s efforts and Mr. Soulard suggested that the appointment process might become political. Additionally, Dr. Woodruff cautioned that this board's selection process should be consistent with the City's other advisory boards. The ramifications of including Recommendation D2 were also considered. Mr. Soulard then commented that it would be in the best interest of this community to appoint an independent noise abatement officer who would be stationed at the airport during hours of operation. It was the consensus of Council and the P.A.B., however, that the new advisory board on noise issues should first consider whether this position is necessary.

OPEN PUBLIC INPUT (4:09 p.m.).....

Don Stafford of 560 12th Avenue South read excerpts from an Naples Daily News editorial critical of Council's prior actions regarding the Naples Municipal Airport. He then urged Council to resolve this issue for the benefit of the citizens of Naples. **Sam Wilson of 1165 Clam Court** referred to the Airport Master Plan Update, specifically the "status quo" Scenario 1, and cited projected increases in the daily airport operations. He stressed that if the present growth attitude is not controlled, citizens should be prepared to sound-proof their homes. He also noted safety hazards of unmonitored aircraft and contended that the airport costs the taxpayers \$6 million every year. **Robert Huvhere of 1180 Sandpiper Street** questioned why these discussions were not postponed in order to allow attendance by seasonal residents. Mayor Barnett responded to these comments by referring to prior complaints that Council was delaying action on this issue. **Ron Soulard of 1595 Avion Place** commented that this process was the first step and indicated that he was generally pleased with the

outcome of these discussions. He stressed, however, that issues regarding airport growth and a noise abatement officer should be addressed.

At this time, Mayor Barnett thanked the Council, City staff, the Planning Advisory Board, the Naples Airport Authority, and C.A.N. representatives for their cooperation in finalizing Strategy 9.

ADJOURN.....
4:19 p.m.

Bill Barnett, Mayor

Tara A. Norman
City Clerk

Prepared by:

Virginia A. Neet
Deputy City Clerk

Minutes approved:_____.