



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

**City Council Workshop Meeting -
February 3, 1997 - 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 L. Sullivan
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Kenneth B. Cuyler, City Attorney
Bill Harrison, Assist. City Manager
Don Wirth, Comm. Services Dir.
Missy McKim, Planning Director
Susan Golden, Planner II
Terry Fedelem, Const. Proj. Coord.
Neil Dorrill, Collier County Manager
Bob Egan, City Dockmaster
Jon Staiger, Natural Resources Manager
Shirley Moore, Recording Secretary
George Henderson, Sergeant-at-Arms

Collier County Commissioners:

Timothy L. Hancock, Chairman
Barbara B. Berry
Timothy J. Constantine
Pamela S. Mac'Kie
John C. Norris

Naples Airport Authority:

Edwin J. Putzell, Chairman
Louis X. Amato
Joseph Bawduniak
Barbara Cawley
Joseph Freni, Jr.

Other interested citizens and visitors
(See Attachment 1)

Media:

Tara Beer, Naples Daily News
Fox News - TV
WNOG - Radio

ITEMS TO BE ADDED ITEM 2
None. (8:30 a.m.)

At this point in the meeting City Manager Woodruff expressed sympathy to City Attorney Cuyler on the death of his mother.

.....**ITEM 3**
REVIEW OF ITEMS ON 1/15/97 REGULAR MEETING AGENDA . (8:31 a.m.)

Item 9 Authorize FPL to do engineering and cost estimate for undergrounding power lines in Port Royal and South of Gordon Drive\Cost \$66,198.00 Council requested that Port Royal Association President Kermit Sutton be present at the regular meeting to discuss reimbursement to the City from an assessment district. **Item 11** Endorsement of County Commissioner Constantine as candidate to Florida Constitutional Convention Council Members requested a list of topics to be covered during the Convention. **Item 14** Variance to NCH for three signs at Grand Central Station Staff to obtain petitioner's signage plan for review at the regular meeting. **Item 15** Public Hearing to consider authorizing Collier County to collect non-ad valorem assessments in the City for interim governmental service fees City Attorney Cuyler to clarify former City Attorney's opinion. **Item 19** Special Events Festival of Colors (5th Avenue) Remove from the consent agenda for separate discussion relating to type of paint permitted for this event.

Additional agenda Items 25 (Authorization to enter into an agreement with Alfred French and Associates Inc.) and 26 (Authorization to enter into an agreement with The Tech Group, Inc.) were submitted for the regular meeting agenda. A breakdown of the costs for work between 8th Street and 5th Avenue South relating to Item 26 was requested.

It was also determined that a sign recognizing the Naples Gators Youth Football Team would be placed at the City's entrance.

Break 8:53 - 9:01 a.m.

Mayor Barnett welcomed the Collier County Commissioners and presented Collier County Manager Neil Dorrill with a plaque recognizing his service to the citizens of the City of Naples.

.....**ITEM 4**
JOINT MEETING WITH COLLIER COUNTY COMMISSIONERS (9:01 a.m.)

.....**ITEM 4-a**
DISCUSSIONS REGARDING THE BAYVIEW PARK FUELING POINT

City Manager Richard Woodruff referred to a briefing document to outline the proposal to install a fueling facility at Bayview Park. (A copy of this document is contained in the file for this meeting in the City Clerk's Office.) Such a facility in South Naples Bay, would eliminate unnecessary boat

traffic into Naples Bay, he noted. He further noted that since the Keewaydin fuel dock closed in 1996, the closest fueling point to Gordon Pass is the City Dock located in the North Bay. In order for the City to proceed with a Bayview Park installation, he added, the Collier County Commissioners would have to authorize an application to the Department of Environmental Protection (DEP).

Commission Chairman Hancock expressed concern about the adequacy of size of Bayview Park, the location of fuel tanks and access to them. Commissioner Norris concurred adding his concern about environmental issues.

County Planner Tom Olliff provided pictures of Bayview Park and predicted increased traffic into the park. He also suggested that the marina at Windstar on Naples Bay would be more suitable for a fueling facility.

Further discussion indicated that Commissioners did not support the Bayview Park proposal and it was the consensus of Council for staff to pursue other options than Bayview Park.

..... **ITEM 4-b**
DISCUSSIONS REGARDING INTERIM GOVERNMENTAL SERVICES FEES

Collier County Revenue Services Director John Yonkosky noted that the Board of County Commissioners had implemented a procedure to charge an interim governmental service fee in the unincorporated area as a method of receiving revenue from developed properties as soon as the certificate of occupancy is issued. In the past service fees could be delayed up to 22 months, he added. Mr. Yonkosky requested that City Council adopt an ordinance designating the City as a municipal services benefit unit. The County's ordinance would be reviewed and possibly adopted the end of February, he noted.

While Council Members questioned the legality of imposing such a fee, it was noted that no record of legal challenge exists, although this type of fee has been in place in some 15 cities. County Attorney Weigel however noted that he had expressed grave concerns and that taxpayers may be entitled to refunds if such an ordinance were overturned. City Attorney Cuyler noted that because the County must defend the ordinance, the City's exposure to risk would most likely be limited to funds collected in the City.

Council Member Van Arsdale observed that despite unresolved legal issues, the fee was appropriate and should be supported by the City. Council Member MacKenzie agreed. Council Member Sullivan however noted that due to the lack of sufficient information or legal precedent, he could not support an interim fee at this time. Vice Mayor Prolman and Council Member Tarrant concurred, although Mrs. Prolman observed that a fee of this type was appropriate.

It was the consensus of Council to support the adoption of an Ordinance allowing

the City to be included in the County's Municipal Services Benefit Unit for the Interim Governmental Service Fee. (MacKenzie-yes, Nocera-yes, Prolman-no, Sullivan-no, Tarrant-no, Van Arsdale-yes, Barnett-yes)

.....ITEM 4-c
JOINT ECONOMIC DEVELOPMENT COUNCIL PRESENTATION (10:25 a.m.)

John Ray, Manager of Enterprise Florida Expansion and Retention provided materials defining the proposal and its economic benefits. (The materials are contained in the file for this meeting in the City Clerk's Office.) He noted that the program is intended to encourage high quality job growth through tax refunds. This proposal would apply to Allen Systems, Inc., a company presently operating in the City of Naples.

In reviewing the program, Council Members and County Commissioners questioned if the 20% in local funding must be cash payments or merely deferral of increased property taxes. It was noted that various other methods could be used, provided they were within State Statutes.

Concerns about funding the project were expressed by Vice Mayor Prolman and Council Member Tarrant. In further discussion Council Members and Commissioners concurred that a clearer understanding of the tax abatement criteria would be necessary. City Attorney Cuyler and County Attorney Weigel were requested to research the proposal with the Economic Development Council.

Discussion on this item was continued until the February 17, 1997 Workshop and proposed for inclusion on the February 19, 1997 Regular Meeting agenda.

.....ITEM 4-d
DISCUSSION OF COMPREHENSIVE PLAN ISSUES (10:53 a.m.)

City Planning Director Missy McKim used overhead transparencies to illustrate joint City/County comprehensive planning issues for affordable housing, corridor management and off-shore oil drilling. (A copy of these materials are in the file for this meeting in the City Clerk's Office.)

Affordable Housing - Ms. McKim noted that this element was developed with involvement of both the City and County staffs. The interlocal agreement currently in place also assists in combining efforts to provide affordable housing units, she added.

County Commissioner Norris noted that although projects are already approved by the County, construction had not progressed and expressed his concern that the private sector may not bid on the units proposed. Chairman Hancock concurred.

City Planner Susan Golden observed that the goal was nevertheless achievable, noting that over 500

building permits per year have been issued and that the goal established in the 1994 interlocal agreement had been reached or exceeded each year.

City Council Member Van Arsdale requested that staff review affordable housing efforts relating to community standards and availability of affordable housing versus subsidized housing.

Corridor Management - Ms. McKim presented the proposed corridors: Pine Ridge Road from U.S. 41 to Goodlette Road; Davis Boulevard from U.S. 41 to Airport Road; U.S. 41 from Davis Boulevard to Airport Road; and U.S. 41 from Creech Road to Pine Ridge Road. She noted that the projects are funded jointly by the City of Naples and Collier County and asked for concurrence to proceed.

Commission Chairman Hancock requested specific information prior to pursuing additional corridor management plans and Ms. McKim noted staff would be proposing a broader management plan in the future which will include design issues and landscaping.

Off Shore Drilling - Ms. McKim noted that the City is limited in its jurisdiction and requested that control of oil drilling be addressed in the County's Growth Management Plan. Commission Chairman Hancock responded that control of offshore oil drilling would be incorporated into the County's Growth Management Plan.

In conclusion, Ms. McKim noted that there are a number of issues requiring coordination between the City of Naples and Collier County staffs and, she added, more joint efforts will be proposed by both planning staffs in the future.

.....**ITEM 4-e**
DISCUSSION OF CITY CAPITAL IMPROVEMENT PROJECT REQUESTS (11:08 a.m.)

Chairman Hancock referred to City Manager Woodruff's memorandum (A copy of which is contained in the file for this meeting in the City Clerk's Office) and observed that the County Parks and Recreation Board would require more detailed information before considering City staff recommendations. Collier County wished to research needs and demands before determining improvements to County parks and facilities, he noted.

Break 11:09 - 11:24 a.m.

.....**ITEM 6**
CAMBIER PARK BUDGET AND VARIOUS UNRESOLVED DESIGN ISSUES. (11:24 a.m.)

City Manager Woodruff referred to a revised memorandum distributed during the meeting (Attachment 2) to point out unresolved budget and design issues related to the Cambier Park Phase I

project. He requested that Council Members determine a design for shade structures at the tennis facility and shuffleboard courts.

Mayor Barnett supported the chickee hut design for the shelters. Council Members MacKenzie and Sullivan concurred; however, Mr. Sullivan recommended that tennis facility revenues fund replacement of the roofs if required in the short-term, such as two to three years. City Manager Woodruff, however, noted cost of \$10,000 to \$20,000 for past repair and replacement of the chickee roofs, but Council Member Tarrant recommended researching preservative methods.

Noting that all shelters would be bid at the same time, it was determined that all shelters in Phase I would incorporate the chickee design.

MOTION by Barnett to APPROVE chickee design for all shelters in Phase I to include shuffleboard courts, seconded by Mackenzie and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Dr. Woodruff noted that structural, electrical and mechanical changes resulted in increased professional service fees and requested City Council's approval to authorize an additional \$3,700.00 payment to park design consultant Herbert Halback.

MOTION by Prolman to APPROVE additional \$3,700.00 payment to Herbert Halback; seconded by Sullivan and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Dr. Woodruff noted staff's recommendation to select a single color for both the interior and exterior lighting at Cambier.

MOTION by Sullivan to APPROVE green interior and exterior lighting fixtures, seconded by Prolman and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Dr. Woodruff then requested Council's direction as to overall funding of the lighting fixtures. Noting that inclusion of the external lights will require an additional \$34,200, he pointed out that a fee could either be charged to the park project itself or next year's street budget. He further noted that if this charge were in the Community Redevelopment Area (CRA) budget, it would appear as a debt, in anticipation of tax increment financing funds.

MOTION by Sullivan to APPROVE financing of lights through street fund to be reimbursed when funds are available from tax increment financing; seconded by Tarrant and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Community Services Director Don Wirth referred to materials provided earlier in the meeting (Attachment 2) to point out an increased budget request of up to \$1,973,665.13 and asked for City Council's approval.

Dr. Woodruff noted that all or a portion of American with Disabilities Act (ADA) funds could offset the cost of the tennis facility elevator. The fund, he added, is derived from fines collected for violators in handicap parking areas. Council Members agreed that it was appropriate to use the ADA funds for this purpose.

MOTION by Sullivan to APPROVE amended budget increase of up to \$1,973,655.13 with portion of the tennis facility elevator costs funded by handicap parking fines, seconded by Van Arsdale and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Following this motion Dr. Woodruff noted that the new target completion date will be January-February 1998.

Council Member MacKenzie requested discussion regarding the cat claw trees to be removed from Cambier Park. Construction Project Coordinator Terry Fedelem noted that this species is not long-lived and further that the trees are in decline due to damage from Hurricane Andrew

In response to answers regarding the alignment of tennis courts and pathways in Cambier Park, it was noted that the plans would be available in the City Manager's office for further review by Council Members.

.....ITEM 7
PALM VILLA - DISCUSSION OF BED & BREAKFAST (12:11 p.m.)

Planning Director Missy McKim used overhead transparencies to outline options available for granting this petition. (This material is contained in the file for this meeting in the City Clerk's Office.)

Council Members discussed alternatives such as granting a conditional use permit and indicated that City Attorney Cuyler may be able to determine a process whereby this petition could be approved while still protecting from a proliferation of future petitions. Vice Mayor Prolman, however, expressed her concern about compromising single family zoning, noting that there are other commercial petitions being considered in the area. She also observed that this petitioner may wish to expand the facility to a commercial endeavor in the future. Council Member MacKenzie concurred.

MOTION by Sullivan to DIRECT STAFF TO RESEARCH AND DETERMINE A WAY TO ALLOW THIS PETITION; seconded by Tarrant and carried 6-1 all present and voting. (MacKenzie-yes, Nocera-yes, Prolman-no, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Council Member Van Arsdale noted continuing pressure upon the City for redevelopment and

expressed concern about the finished product. He recommended further review of standards for redevelopment in Old Naples. Vice Mayor Prolman also noted that she was concerned about decreasing property values caused by commercial intrusion.

OPEN PUBLIC INPUT(12:35 p.m.)

It is noted for the record that Mayor Barnett left the meeting at 12:36 p.m.

Fern Aitchison, 1614 14th Avenue So., requested that older trees not be removed from Cambier Park during the construction process; she also supported the chickee design with use of a preservative. **Audrey Bender Sloan, 2500 Gulf Shore Blvd.,** noted her serious concern about removal of the trees from Cambier and noted that she would try to prevent the City from doing so.

Recess 12:45 p.m. - 1:59 p.m. It is noted for the record that Council Members Nocera and Sullivan were not present when the meeting reconvened.

.....**ITEM 5**
JOINT MEETING WITH NAPLES AIRPORT AUTHORITY REGARDING LEASING OF
NAPLES MUNICIPAL AIRPORT.

Airport Authority Chairman Ned Putzell noted that the Airport Authority has retained legal counsel to provide a written opinion on making funds available to the City of Naples.

It is noted for the record that Council Members Nocera and Sullivan returned to the meeting at 2:05 p.m.

Council Member Tarrant noted two items for funding consideration: a change in the dollar amount of the lease, and the possibility of the airport returning to the City non-aviation property. Council Member Van Arsdale noted that he could not support rewriting the lease or putting a special tax on the airport, and further noted that the people who use the airport support it.

In response to questions regarding airport expansion, Airport Authority Member Louis Amato expressed a commitment to improve the airport; however, they have no interest in expanding to commercial uses.

Council Member Sullivan said he would support any legal activity which would generate funds to the City. Vice Mayor Prolman concurred.

City Attorney Cuyler while noting the Airport's required conformance to Federal Aviation Administration guidelines, observed that rents may be considered operating expenses and thereby revenue to the City. He further noted that payment in lieu of taxes may be another option.

Public Input: (3:40 p.m.)

Vincent Montagnino, 307 Goodlette Road, referred to Chairman Putzell's prior comments about the community working together as evidenced by the citizens committee which recently formed. **Christopher Dell, 301 Goodlette Road, So.**, noted that while Naples is a beautiful place, there is a great deal of noise from the airport. **Sam Wilson, 1165 Clam Ct.**, noted that Naples Daily News items praising the airport are from people in Bonita Springs. He said that a mere two percent of the electorate use the airport and that 14,303 registered voters would lose \$369.00 a year based on a 6% return on this \$88,000,000 asset. **Frances Barsh, 6360 Pelican Bay Blvd.**, observed that paying rent is not a diversion of funds but enables air traffic to operate. She concluded that rent is an operating expense and this should be recognized by all parties. **Joe Herms, 167 3rd Avenue N.**, noted that jets are taking off at 6:00 a.m and usage by Stage 1 aircraft should be addressed. **Fred Coyle, Aqualane Shores**, noted that, apart from illegality, reasonable rent should be paid to the City.

Following public input, Council Member Nocera stated his commitment to follow-up. Mayor Barnett noted his recent communications with Chairman Putzell regarding an airport abatement officer and observed that this issue is progressing in a positive manner.

CORRESPONDENCE and COMMUNICATIONS

None.

OPEN PUBLIC INPUT

None

ADJOURN

3:45 p.m.

Bill Barnett, Mayor

Tara A. Norman
City Clerk

Prepared by:

Shirley A. Moore
Recording Secretary

Minutes approved: 2/19/97

Attachment 1
2/3/97 Workshop Meeting
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Supplemental Attendance List

Leo Ochs, Jr. Collier County Admin.
David Weigel, Collier County Attorney
Tom Olliff, County Planner
John Yonkosky, Collier County
Revenue Services Director
Fern Aitchison
Audrey Bender Sloan
Dottie Craig
Mike McNeice
Sam Wilson
John Passidomo
John Ray
Thomas J. McElroy, Jr.
Vincent Montagnino
Christopher Dell
Sam Wilson
Frances Barsh
Joe Herms
Fred Coyle

