



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – June 4, 1997 – 9:00 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 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
William Harrison, Assistant City Manager
Missy McKim, Planning Director
Don Wirth, Community Services Director
Jon Staiger, Natural Resources Manager
Flinn Fagg, Planner
Susan Golden, Planner
Ann Walker, Planner
Virginia Neet, Deputy City Clerk
Molly Reed, Recording Secretary
Pastor James Lake, First United Methodist
Church
Charles Andrews
Willie Anthony

J. Dudley Goodlette
Michael J. Volpe
Don Perrenoud
Bob Lockhart
Virginia B. Corkran
Joyce A. Heptner
Cathy Dotter
Duke Turner
Tyler Janney
Larry Warner
Dougal McCorkle
Other interested citizens and visitors
Media:
Tara Beer, Naples Daily News
Matt Ackland, Channel 7

INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2

Pastor James Lake, First United Methodist Church

ANNOUNCEMENTSITEM 3

City Police Chief Kevin Rambosk and Mayor Barnett awarded plaques of appreciation to School Crossing Guards Edward Johnson, Frank Frino, Louise Lopez, Robert Lopez, and Dorothy MacNamara. Council Member Fred Tarrant delivered a presentation in honor of the late Council Member Ned Twerdahl who served from 1978 to 1982.

ITEMS TO BE ADDED (9:07 a.m.).....ITEM 4

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

Item 21 Authorization for City Manager Woodruff to apply for ISTEAFunding for bicycle/pedestrian enhancements.

City Attorney Kenneth Cuyler notified Council of a memorandum with revisions to Item 9 pertaining to pension boards.

MOTION by Sullivan to SET AGENDA, ADDING ITEM 21; seconded by Van Arsdale unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

CONSENT AGENDA

APPROVAL OF MINUTESITEM 5a

May 5, 1997 Workshop Meeting; May 7, 1997 Regular Meeting; May 7, 1997 Special Workshop Meeting.

.....ITEM 5b

AUTHORIZE A PURCHASE ORDER FOR ONE "POLIGON" SHELTER AT THE GULFVIEW MIDDLE SCHOOL PHYSICAL FITNESS FACILITY \ VENDOR: CONTRACT CONNECTION, INC., JACKSONVILLE BEACH, FLORIDA\ COST: \$15,865.00 \ FUNDING: CIP PROJECT #96G04 AND CIP UTILITY CONTINGENCY.

.....ITEM 5c

AUTHORIZE THE PURCHASE OF BENCHES AND TRASH RECEPTACLES FOR CAMBIER PARK TO MATCH THOSE PREVIOUSLY APPROVED FOR FIFTH AVENUE SOUTH \ VENDOR: AMERICAN SITE FURNITURE \ TOTAL COST: \$14,606.00 \ FUNDING: CIP PROJECT #97G11.

.....ITEM 5d

AUTHORIZE THE PURCHASE OF LIGHT FIXTURES FOR CAMBIER PARK \ VENDOR: RAYBRO ELECTRIC SUPPLIES, NAPLES, FLORIDA \ TOTAL COST: \$66,220.00 \ FUNDING: CIP PROJECT #97G11.

.....ITEM 5e

AUTHORIZE ISSUANCE OF A SOLE SOURCE PURCHASE ORDER FOR FACTORY REBUILDING OF A MOTOR DRIVEN GEARBOX USED AT THE WATER TREATMENT PLANT \ VENDOR: NAPLES ARMATURE WORKS, INC., NAPLES, FLORIDA \ COST: \$21,429.64 \ FUNDING: CIP PROJECT #95K20.

.....ITEM 5f
AWARD A BID FOR ROOFING REPAIRS AT THE POLICE & EMERGENCY SERVICES BUILDING \ CONTRACTOR: DALLY ROOFING, INC., NAPLES, FLORIDA \ COST: \$27,720.00 \ FUNDING: SELF-INSURED REPAIR FUND.

.....ITEM 5g
AUTHORIZE PURCHASE OF AUTOMATED FUEL SYSTEM FROM A SOLE SOURCE \ VENDOR: APPLIED TECHNOLOGY, INC., BOULDER, CO \ COST: \$16,365.00 \ FUNDING: SURPLUS REVENUE.

.....ITEM 5h
AWARD BID FOR ANNUAL CONTRACT FOR EQUIPMENT RENTAL FOR COMMUNITY SERVICES AND UTILITIES \ VARIOUS VENDORS \ ESTIMATED ANNUAL EXPENDITURE: \$50,000.00 \ FUNDING: DEPARTMENTAL RENTAL/LEASE BUDGETS.

MOTION by Van Arsdale to APPROVE Consent Agenda Items 5a through 5h, removing Item 5i for separate discussion; 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)

.....ITEM 5i
APPROVAL OF SPECIAL EVENTS: NAACP SUMMER BASKETBALL 6/1 – 7/13/97; NAPLES BEACH HOTEL SUMMER JAZZ SERIES 6/21 – 9/20/97; CITY 4TH OF JULY PARADE/FIREWORKS 7/4/97; AND 5TH AVENUE ASSOCIATION JULY GREENERY MARKET AND CRAFT FESTIVAL 7/5 – 7/6/97.

City Manager Woodruff advised Council of the amendments to the NAACP summer basketball program at River Park from June 1st through July 13th as follows:

- July 11th is approved without amplified music, all other dates are approved with amplified music;
- Vending is permitted at each of these events, with a maximum of three vendors, one for soft drinks, one for food, and one for fruit; and
- Co-sponsorship by the City is in the amount of \$1,000.

Council Member Sullivan requested the City articulate a clear policy regarding parking rules and regulations during The Naples Beach Hotel 1997 Summer Jazz Concert Series. He reported that some attendees drove across the yards in Coquina Sands. and requested additional police coverage in the vicinity including Crayton Road. Council Member Nocera urged Council to avoid unnecessarily encumbering the events, but Mr. Sullivan emphasized that his concern is strictly a safety issue. Dr. Woodruff agreed to meet with the hotel to clarify parking area entrances and exits.

City support for the 4th of July Parade and fireworks events were discussed. It was determined that the Fifth Avenue Association 4th of July Weekend Greenery Market and Craft Show would take place without City co-sponsorship.

MOTION by Van Arsdale to APPROVE Item 5i with changes noted; 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)

ORDINANCE (Continued)ITEM 6
AN ORDINANCE AMENDING SECTION 106-39 OF THE CODE OF ORDINANCES
IN ORDER TO REVISE THE REQUIREMENTS FOR “NO TRESPASSING” SIGNS
AND TO REVISE LANGUAGE PERTAINING TO THE LOCATION OF REAL
ESTATES SIGNS; PROVIDING A SEVERABILITY CLAUSE, A REPREALER
PROVISION AND AN EFFECTIVE DATE. Title not read. (9:17 a.m.)

Public Input: (On the continuance) None. (9:17 a.m.)

MOTION by Sullivan to CONTINUE ITEM 6; 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)

ORDINANCE (First Reading).....ITEM 7
AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, SUPPLEMENTING
ORDINANCE NO. 1451 OF THE CITY ENACTED ON MARCH 5, 1969, AS
AMENDED AND SUPPLEMENTED; PROVIDING FOR THE ISSUANCE OF NOT
EXCEEDING \$2,600,000 PUBLIC SERVICE TAX REVENUE BONDS, SERIES 1997,
OF THE CITY TO FINANCE THE ACQUISITION AND CONSTRUCTION OF
CERTAIN CAPITAL PROJECTS WITHIN THE CITY; PROVIDING FOR THE
PAYMENT OF THE 1997 BONDS FROM THE PROCEEDS OF THE PUBLIC
SERVICE TAX COLLECTED BY THE CITY; PROVIDING FOR THE RIGHTS OF
THE HOLDERS OF THE 1997 BONDS; PROVIDING FOR CONTINUING
DISCLOSURE PURSUANT TO SEC RULE 15(c)2-12; DESIGNATING THE 1997
BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS UNDER SECTION
265(b)(3) OF THE INTERNAL REVENUE CODE; AUTHORIZING THE
APPROPRIATE OFFICERS OF THE CITY TO DEVELOP NECESSARY
DOCUMENTS TO SELL THE BONDS AT PUBLIC SALE AND TO ADVERTISE
FOR BIDS FOR THE BONDS; AUTHORIZING THE FINANCE DIRECTOR OF
THE CITY TO MAKE CERTAIN CERTIFICATIONS ON BEHALF OF THE CITY
REGARDING THE PRELIMINARY OFFICIAL STATEMENT FOR THE BONDS;
MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION
THEREWITH; PROVIDING AN EFFECTIVE DATE.

Title read by City Manager Woodruff (9:17 a.m.)

Assistant City Manager William Harrison clarified that the bonds were to be repaid from existing revenue sources and noted that the two projects had been combined in one issue was for reasons of economy. He also explained that although this is a small bond issue, projects could not be approved until the funding is in place; sale of the bonds would occur in 30-60 days. This bond issue only slightly extends the City’s debt service and does not violate accepted debt ratios, Mr. Harrison concluded.

Council Member MacKenzie said she understood that the Gateway Project required City funding only upon completion, but Mr. Harrison noted the Florida Department of

Transportation requirement for a cash deposit prior to construction covering the City's share of costs. Council Member Van Arsdale asked if the City were permitted to invest the bond proceeds in the interim, and learned that any amount less than \$5 million would provide a small return. Nevertheless, the City was permitted to keep any profits from an investment. Mr. Van Arsdale then asked why the year 2040 reflected a large principal payment, and Mr. Harrison clarified that the amount referred to was principal on other debt and not related to this bond issue.

Public Input: None. (9:25 a.m.)

MOTION by Sullivan to **APPROVE** this Ordinance on First Reading; seconded by Van Arsdale and carried 6-1 (MacKenzie-no, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 97-7981.....ITEM 8
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, PROVIDING FOR THE EXTRAORDINARY REDEMPTION ON SEPTEMBER 1, 1997, OF ALL OF THE CITY'S OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 1995, FROM THE PROCEEDS OF THE STATE OF FLORIDA REVOLVING LOAN RECEIVED BY THE CITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (9:25 a.m.)

Assistant City Manager William Harrison explained that the State Revolving Fund (SRF) loan carried an interest rate 3% less than market with the result that, over the 20-year life of the loan, the City would save over \$9 million. Further, he said, the loan from the State allows the City to redeem and cancel \$9,150,000 in 1995 bonds.

Public Input: None. (9:28 a.m.)

MOTION by Van Arsdale to **APPROVE** Resolution 97-7981 as submitted; 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)

ORDINANCE (First Reading).....ITEM 9
AN ORDINANCE AMENDING SECTIONS 50-206(d), 50-346 AND 50-442 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO ALLOW THE BOARD OF TRUSTEES OF THE GENERAL ADMINISTRATION AND MANAGEMENT OF THE RETIREMENT SYSTEM, THE FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM AND THE POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM TO EMPLOY INDEPENDENT LEGAL COUNSEL; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (9:28 a.m.)

Public Input: None. (9:28 a.m.)

MOTION by Sullivan to **APPROVE** this Ordinance on First Reading; 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)

RESOLUTION (Continued)ITEM 10
A RESOLUTION AMENDING A DEVELOPMENT AGREEMENT APPROVED BY RESOLUTION 92-6711 WHICH APPROVED A PARKING GARAGE ON THE CITY PARKING LOT LOCATED ON FOURTH AVENUE SOUTH BETWEEN SEVENTH AND EIGHTH STREETS SOUTH, TO INCLUDE PROVISIONS TO ALLOW THE NAPLES PLAYERS TO USE THE WESTERN EIGHTY (80) FEET, TO SET THE TIMEFRAME FOR THE CITY TO CONSTRUCT THE GARAGE, AND TO PROVIDE ACCESS BETWEEN THE PLAYERS' THEATER AND THE GARAGE FROM THE ALLEY TO FOURTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (9:29 a.m.)

Public Input: (On the continuance) None. (9:29 a.m.)

MOTION by Sullivan to CONTINUE ITEM 10 to the July 23, 1997 Special Meeting; 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)

ORDINANCE (First Reading).....ITEM 11
AN ORDINANCE APPROVING REZONE PETITION 97-R1, AMENDING A PLANNED DEVELOPMENT APPROVED BY ORDINANCE 92-6710 WHICH APPROVED A PARKING GARAGE ON THE CITY LOT LOCATED ON FOURTH AVENUE SOUTH BETWEEN SEVENTH STREET SOUTH AND EIGHTH STREET SOUTH TO ALLOW THE NAPLES PLAYERS' USE OF THE WESTERN 80 FEET, TO PROVIDE AN ACCESS FROM FOURTH AVENUE SOUTH TO THE ALLEY IMMEDIATELY NORTH OF THE WYNN'S PROPERTY, AND OTHER CHANGES AS REQUIRED BY THE AMENDMENT TO THE DEVELOPER'S AGREEMENT, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (9:30 a.m.)

Vice Mayor Prolman noted that the wording in the ordinance differed from the original agreement with regard to the land usage allowance to the Naples Players and asked if the original document should be amended accordingly. Planning Director Missy McKim responded that Council had approved the conceptual plans for the Naples Players with the understanding that a number of additional approvals would be required. She pointed out that the plans would be revised and altered in accordance with the consultant selection for the parking garage. City Manager Richard Woodruff also stated that the formal amendment process was required in order to ensure the parking garage is acceptable to the Wynn and the Smith interests. City Attorney Kenneth Cuyler assured Vice Mayor Prolman that he believed the City was protected.

Public Input: (On the continuance) None. (9:37 a.m.)

MOTION by Nocera to CONTINUE ITEM 11 to the July 23, 1997 Special Meeting; 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)

RESOLUTION 97-7982.....ITEM 12

A RESOLUTION GRANTING CONDITIONAL USE PETITION 97-CU6, APPROVING A PARKING NEEDS ANALYSIS TO INCREASE THE NUMBER OF UNITS AT THE LEMON TREE INN, 250 NINTH STREET SOUTH, FROM THIRTY-THREE (33) TO THIRTY SIX (36) UNITS AND TO DECREASE THE PARKING RATION FROM 1.12 SPACES PER UNIT TO 1 SPACE PER UNIT, SUBJECT TO THE CONDITION LISTED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (9:37 a.m.)

Planner Flinn Fagg described the Lemon Tree Inn's 1.1 acre site and explained that two letters were on file from adjoining neighbors agreeing to accommodate hotel overflow parking. He pointed out that the additional three rooms resulted in a parking shortage of four spaces when applying the rule of 1.25 spaces per transient lodging unit. Council Member Tarrant questioned the reason for concern over a shortage of just four spaces when the Council had permitted a shortage of over 100 spaces for the Hilton Hotel. Mr. Fagg responded that a remedy is needed for locations with insufficient parking.

Vice Mayor Prolman noted that conflicting letters from the owners of the Baker Center regarding shared parking: one owner objected and two others offered cooperation. She questioned whether Council could therefore rely on an agreement between the Lemon Tree and the Baker Center. Council Member Van Arsdale stated that and since such arrangements are not part of a definitive plan, Council should follow code and uphold the parking needs analysis.

Attorney Michael J. Volpe, representing the owners of the Lemon Tree Inn pointed out that Council had approved 1.12 spaces per room within the year and his client's petition for 1.02 spaces per unit actually represented only two deficient parking spaces. He noted that the expansion of the Inn from 33 to 36 rooms was a rearrangement, not an expansion, of existing space and that 39 parking spaces for 36 rooms was sufficient. Occupancy rates during the peak season ran 80-92% and a ratio of 1.02 was adequate. He further explained that the Baker Center is now an office condominium and the owners who agreed to shared parking represented their individual parcels of land.

Council Member MacKenzie said that every effort should be made to delineate Baker Center parking spaces inasmuch as the objecting owners had retained legal counsel. Vice Mayor Prolman suggested the Lemon Tree owners return to Council on June 16th with a definitive agreement from Baker Center owners.

City Attorney Kenneth Cuyler stated that the letters from the owners who agreed to shared parking did not satisfy the requirement for a commitment. Attorney Volpe said that a formal shared parking agreement would have to be legally filed, but a monitoring procedure by the City Planning Department would allow a less formal arrangement, adding that if Section 2 of the resolution were not changed, it would cause future legal problems.

Public Input: None. (10:09 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-7982 amending Section #2 to read: "If it is determined in the future that on site parking is

insufficient, the property owner will either reduce the number of units or seek off site parking remedies.” This motion was seconded by Nocera and carried 6-1 ((MacKenzie-yes, Nocera-yes, Prolman-no, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 97-7983.....ITEM 13
A RESOLUTION GRANTING CONDITIONAL USE PETITION 97-CU8, FOR A PRIVATE CLUB LOCATED IN THE C-2, “GENERAL COMMERCIAL,” ZONING DISTRICT AT THE NORTHEAST CORNER OF FIFTH AVENUE NORTH AND GOODLETTE-FRANK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; PROVIDING FOR THE CITY CLERK TO RECORD SAID CONDITIONAL USE; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:10 a.m.)

City Manager Richard Woodruff called Council’s attention to Section 2, Paragraph 4 which requires the City Engineering Division to determine whether traffic from the proposed establishment necessitates a turning lane on the east side of 5th Avenue North. The petitioner would then be required to bear the expense. He suggested, however, that either the item be deleted altogether or made a requirement of approval.

Architect Larry Warner, representing the petitioner, said he objected to the cross-parking agreement called for by the Planning Advisory Board (PAB), but Planner Ann Walker explained that the PAB requirement was merely for access to Goodlette-Frank Road. Mr. Warner, however, pointed out that additional contingencies like that would complicate the petitioners attempt to purchase the property. Council Member MacKenzie reminded Mr. Warner that his client would be required to install a turn lane, if necessary; Mr. Warner responded that they would work to solve any problems that are created.

Public Input: (10:18 a.m.)

Willie Anthony, 559 14th Street North, stated that the property should have access to Goodlette Road so that traffic on 5th Avenue North would not be affected. Otherwise, he said traffic would back up on 5th Avenue at the stoplight and since this is the neighborhood’s only entry to Goodlette Road, residents would become frustrated. Tractor-trailers serving the strip mall on the east side of Goodlette were already a major concern, he said.

Dr. Woodruff confirmed that large trucks heading south on Goodlette often turn left on 5th Avenue and enter the strip mall by driving across the empty lot at the corner which is the proposed location for the club. He pointed out that since the petitioner did not own the property between the club and the strip mall, they should, if possible, design a parking lot to connect the two. He added that, while the City and County would address certain traffic problems confronting the residents exiting their subdivision, if it were determined that the problem was created by the club, then the petitioner must remedy it.

Mr. Warner reiterated that the owner of the property would object to any conditions placed on the sale of the property since he owned the entire undeveloped area from 5th Avenue

North to the strip mall. Council Member Tarrant asked whether the traffic to the club would aggravate an already difficult traffic situation on 5th Avenue, but City Manager Woodruff observed that the petitioner could not be expected to solve a pre-existing problem. He suggested that a preliminary study be conducted in the area.

Council also learned that there would be no night use of the facility, which is a private card club of approximately 80 elderly members who vacate the premises by 4 p.m., and that there are usually no more than 20 cars present at one time.

MOTION by Nocera to APPROVE Resolution 97-7983, as amended with Section 2 Paragraphs 3 and 4 deleted and requiring that the parking lot on the facility be built to accommodate future cross-travel to the strip mall; 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)

City Manager Woodruff was instructed by Council to present a traffic study in 30 days.

It is noted for the record that Council Member Sullivan left the meeting at 10:37 a.m.

**RESOLUTION 97-7984.....ITEM 14
A RESOLUTION GRANTING CONDITIONAL USE PETITION 97-CU9,
APPROVING A PARKING NEEDS ANALYSIS FOR A 3,000-SQUARE FOOT
EXPANSION OF THE NEAPOLITAN WAY I SHOPPING CENTER, 4601-4691
NINTH STREET NORTH; AND PROVIDING AN EXPIRATION DATE AND AN
EFFECTIVE DATE. Title read by City Manager Woodruff. (10:37 a.m.)**

Dougal McCorkle, representing the petitioner, told Council that the changes resulting from the expansion of Publix market would require eleven additional parking spaces. He stated that although the additional spaces could be incorporated into the present parking lot, they would prefer to maintain the wider spaces in order to facilitate customers loading groceries into their cars.

Public Input: None. (10:39 a.m.)

MOTION by Tarrant to APPROVE Resolution 97-7984 as submitted; seconded by Van Arsdale and carried 6-0 (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-absent, Tarrant-yes, Van Arsdale- Barnett-yes)

It is noted for the record that Council Member Sullivan returned to the meeting at 10:39 a.m.

**RESOLUTION 97-7985.....ITEM 15a
A RESOLUTION GRANTING EASEMENT VACATION PETITION 97-EV1,
VACATING UTILITY AND ACCESS EASEMENTS ON LOTS 1 AND 2 OF THE
SOUTH POINTE YACHT CLUB SUBDIVISION, MORE PARTICULARLY
DESCRIED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City
Manager Woodruff. (10:39 a.m.)**

Engineer Bob Lockhart, representing the petitioner, explained that items 15a and 15b were a housekeeping process since a plat line in the public record for measuring the front setbacks had been due to a road that had extended to the western end of Lot 1. The road no longer exists and, therefore, the easements and variances were being requested in lieu of replatting the two lots.

Public Input: None. (10:43 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-7985 as submitted; 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)

**RESOLUTION 97-7986.....ITEM 15b
A RESOLUTION GRANTING VARIANCE PETITION 97-V10, REQUESTING A VARIANCE FROM SECTION 102-146 OF THE CODE OF ORDINANCES WHICH REQUIRES A 40-FOOT FRONT YARD SETBACK, IN ORDER TO PERMIT A 35-FOOT FRONT YARD SETBACK FOR THE CONSTRUCTION OF A NEW RESIDENCE AT 1300 AND 1330 GULFSTAR DRIVE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:43 a.m.)**

Public Input: None. (10:44 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-7986 as submitted; 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)

**(Continued).....ITEM 16
CONSIDER APPROVING A TEMPORARY STRUCTURE IN ORDER TO ALLOW 2 CONSTRUCTION-TYPE STORAGE TRAILERS ON PARCEL 7, THE COMMONS PROFESSIONAL PARK, FOR STORAGE OF EQUIPMENT AND BOATS BY THE GULF COAST ROWING ASSOCIATION. (10:44 a.m.)**

Public Input: (On the continuance) None. (10:44 a.m.)

MOTION by Sullivan to CONTINUE Item 16 to the June 18, 1997 Regular Meeting; 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)

**ORDINANCE 97-7987.....ITEM 17
AN ORDINANCE AMENDING SECTION 106-239, "NOISE," OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO CLARIFY SUBSECTION (h), "RADIOS, PHONOGRAPHS, TELEVISIONS, ETC."; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:45 a.m.)**

Planning Director Missy McKim explained that the dBA term for decibel is more general and is used throughout the ordinance. City Attorney Kenneth Cuyler stated that Council could approve the ordinance with the stipulation that he would verify the definition of decibel.

Public Input: (10:45 a.m.)

Tyler Janney, 645 First Avenue North, said that properties in the 10th Street area had experienced a decline in property values due to the noise from nightclubs on US 41 and voiced his support for the ordinance.

Vice Mayor Prolman agreed that setting a noise standard is important, but she objected to the proposed ordinance as being more excessive than necessary and setting a variable standard.

Cathy Dotter, 2911 10th Street North, stated that nightclubs had prompted this ordinance by refusing to moderate noise from their establishments. She supported the ordinance even though she said she felt it was very strict.

Vice Mayor Prolman pointed out that Council had the option to exclude the ambient noise variable. Dr. Woodruff clarified for Council Member Tarrant that the ordinance amends the Code section relating to amplified noise such as radios, televisions, etc., pointing out that other types of noise are regulated elsewhere. Mr. Tarrant suggested that an ordinance that applied only during nighttime hours seemed more reasonable. Council Member Van Arsdale remarked that the objective was to have businesses manage noise and not to close altogether, suggesting that needed adjustments could be made.

MOTION by MacKenzie to ADOPT Ordinance 97-7987; seconded by Sullivan and carried 6-1. (MacKenzie-yes, Nocera-yes, Prolman-no, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

ORDINANCE 97-7988.....ITEM 18
AN ORDINANCE APPROVING TEXT AMENDMENT 97-T4, AMENDING SUBSECTION 106-36 (a) (6) OF THE CODE OF ORDINANCES, IN ORDER TO REGULATE THE LOCATION OF GROUND SIGNS; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:56 a.m.)

Public Input: None. (10:56 a.m.)

MOTION by Van Arsdale to ADOPT Ordinance 97-7988; 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)

.....ITEM 19
CONSIDER APPROVING A FRAMEWORK FOR CREATION OF A CITYWIDE MASTER PLAN, TO INCLUDE PARKS, RECREATION FACILITIES, TREES IN PUBLIC RIGHTS-OF-WAY, WATER-BASED RESOURCES (LAKES) AND OPEN SPACE. (10:58 a.m.)

City Manager Richard Woodruff explained that the Community Services Advisory Board (CSAB) had been working to establish a City-wide parks master plan and explained that clarification and direction was being sought from Council.

Council learned that the group to accomplish this task would be a subcommittee selected by the CSAB and that the expenses associated with the master plan were estimated at \$30,000-\$50,000. Dr. Woodruff suggested a temporary employee be hired to administer the project, not a consultant, and suggested a recent college graduate with a specialty in park planning be considered.

Community Services Director Don Wirth noted that the comprehensive nature of the task (Attachment 1) would require approximately one year to complete unless the scope of the project was reduced. Dr. Woodruff pointed out that the first priority would be to conduct a citizens' attitude and interest survey either by staff or by an independent company. Council Member Tarrant requested assurance that the cost of the project would not escalate beyond the estimates, and Dr. Woodruff explained that all expenses would require Council approval.

Vice Mayor Prolman remarked that a similar survey had been conducted several years ago and requested that the project use it, and, further, that the landscape architect of record be specified.

Public Input: None. (11:06 a.m.)

MOTION by Van Arsdale to APPROVE this request with the clarification that the Community Services Advisory Board (CSAB) will appoint the Citizen Advisory Committee and/or subcommittees as deemed necessary subject to City Council approval; 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)

RESOLUTION 97-7989.....ITEM 20
A RESOLUTION ESTABLISHING A NAPLES BAY STUDY COMMITTEE, PROVIDING FOR APPOINTMENTS THERETO; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (11:06 a.m.)

City Manager Richard Woodruff described the resolution's major points:

It would create an ad hoc committee;

The committee would sunset on December 31, 1999;

City Council will appoint nine members, six of whom will be from the general citizenry;

The nine members must include a property owner on Naples Bay, an environmental representative, and a water management representative;

A quorum will consist of five (5) members ;

The committee will adhere to the process described in the Scope of Work; and

All motions and official acts of the committee must be by majority vote with a minimum of five affirmative votes required to carry a motion.

Dr. Woodruff informed Council that the last item would ensure that any official act or motion would have passed regardless of the number of attendees.

Council Member Tarrant requested that the resolution specify that all meetings are to be held at City Hall, and Vice Mayor Prolman said the interview forms for the candidates should include a section to identify their backgrounds with a section for their experience and why they are interested in serving on the committee. Council Member Nocera expressed concern

that the proposed format would exclude the marine industry association, but Mayor Barnett said they could be appointed from the general citizen category. Dr. Woodruff explained that the committee members must be City residents, taxpayers, and/or City business owners or renters. Council Member Tarrant stated that committee members should be residents of the City, but Council Member Van Arsdale noted that it was important to consider qualified people who may not meet residency requirements. Mayor Barnett agreed, noting that Council would make the final decision.

Public Input: (11:20 a.m.)

Duke Turner, 899 10th Street South, reminded Council that a 1989 Bay study had projected 21,400 registered vessels in Collier County. He remarked that, to date, there are 17,480 vessels registered, including jet skis – 5000 less than projected. Mr. Turner contended that with only two bayfront properties remaining, the boat traffic on Naples Bay would be more inclined to decrease rather than grow, adding that a yacht basin at Naples Landing would be desirable. In fact, he said, a recent boating industry meeting in Orlando expressed concern that the boating industry is in decline. He pointed out that a 1995 manatee protection study had already described the boat traffic conditions on the Bay and stated that he saw no reason for another study. Mr. Turner urged Council to consider using tax dollars for boater education programs instead.

Council Member Van Arsdale expressed concerns about fresh water intrusion and the need for a masterplan for the entire waterfront district. Mr. Turner stated that \$500,000 was spent to study storm water runoff, but the conclusions of the study were never implemented; Mr. Van Arsdale responded that this had been due to lack of leadership among the various governmental entities affected. Mr. Turner urged Council to begin where former studies had left off, and Mayor Barnett assured him that was Council's intention.

Virginia Corkran, 213 9th Avenue South, urged Council to direct the Bay Study Committee to determine specific goals and to rely on former studies. She, therefore, requested the committee be renamed the Naples Bay Project Committee in anticipation of results from the group, noting that the new Comprehensive Plan contained six or more proposals that would support the work of the committee. Mrs. Corkran also expressed concern that the Airport Authority planned to fill 149 acres of wetlands and pipe the runoff into the Gordon River, thus creating pollution that should be of serious concern to Council and the Bay Project Committee.

Council Member MacKenzie requested a clarification that Council be authorized to amend or revise the final report of the Bay Committee, and Vice Mayor Prolman requested that since the title was to be changed, the section entitled "Purpose" should be altered, likewise, in order to define the specific goals of the committee.

MOTION by Sullivan to APPROVE Resolution 97-7989, amended as follows:

- ***"Scope of Work" section be amended to read, "...with a formal report being submitted to the City Council for Council's review, modification as needed, and formal action;"***

- *The title of the committee is changed to Naples Bay Project Committee; and*
 - *Committee meetings will take place at Naples City Hall.*
- The motion was 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)*

RESOLUTION 97-7990.....ITEM 21a
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR ISTEAFUNDING FOR THE PARK SHORE BRIDGE BICYCLE/PEDESTRIAN ENHANCEMENTS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (11:40 a.m.)

Council Member Van Arsdale recommended that this resolution specify that Council is to review and approve the project design; City Manager Richard Woodruff agreed. Council learned that the application for funds was due June 16th and approval would be received at the end of the year following a joint-project agreement.

Public Input: None. (11:43 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-7990 as submitted; 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)

RESOLUTION 97-7991.....ITEM 21b
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR ISTEAFUNDING FOR THE FLEISCHMANN BOULEVARD BRIDGE BICYCLE/PEDESTRIAN ENHANCEMENTS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (11:43 a.m.)

Public Input: None. (11:44 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-7991 deleting the word “bridge;” 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)

Council Member Van Arsdale suggested that, having passed a noise ordinance, the Council may wish to reconsider the denial of the Mangos Café conditional use. Dr. Woodruff suggested the City Attorney review the situation and report to Council in writing.

CORRESPONDENCE AND COMMUNICATIONS.....
None. (11:46 a.m.)

OPEN PUBLIC INPUT
None. (11:46 a.m.)

ADJOURN
11:46 a.m.

Bill Barnett, Mayor

Tara A. Norman
City Clerk

Prepared by:

Molly Reed
Recording Secretary

Minutes approved: July 23, 1997