



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – September 29, 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 – arrived at 8:32 a.m.
Fred L. Sullivan – arrived at 8:31 a.m.
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard Woodruff, City Manager
Kenneth Cuyler, City Attorney
William Harrison, Assistant City Manager
Missy McKim, Planning Director
Kevin Rambosk, Chief of Police and
Emergency Services
Don Wirth, Community Services Dir.
Richard Gatti, Development Services Dir.
Patricia Rambosk, Legal Assistant
George Archibald, Traffic Engineer
Ann Walker, Planner
Robin Williams, Executive Secretary

Joanne Bradford, Administrative Assistant
Molly Reed, Recording Specialist
Virginia Corkran
Mardon Collins
Betty Young
John Passidomo
Sewell Corkran
Everett Thayer
Other interested citizens and visitors

Media:

Dave Taylor, Media One

ITEMS TO BE ADDEDITEM 2
None.

.....**ITEM 5**
DISCUSSION REGARDING ALLEY VACATION POLICY. (8:32 a.m.)

City Manager Richard Woodruff introduced the topic by noting that the proposed alley vacation policy was administrative and could remain as such or be converted to a Council policy. He explained that, currently specific criteria must be followed in order for staff to recommend an alley vacation, and referred Council to an alleyway map showing current alleyway conditions. (A copy of this material is contained in the file for this meeting in the City Clerk's office.) An administrative policy is binding on the staff, Dr. Woodruff noted, but is not binding on the Council who can make independent rulings. This, he said, is an incentive for Council to retain the administrative policy.

Council Member Van Arsdale called for recognition in the administrative policies on the importance of alleyways to the City's transportation grid since future growth may reveal value in available alleys. Dr. Woodruff pointed out that the new criteria would result in very few alley vacations recommended by staff; all recommendations would come before Council for separate review and final decision. Planning Director Missy McKim remarked that the Planning Advisory Board must also approve alley vacations.

It was the consensus of Council to continue the alley vacation policy as an administrative memo under the authority of the City Manager and including a narrative on the importance of alleys. (Tarrant dissenting)

.....**ITEM 3**
PRESENTATION BY ARCHITECT AL FRENCH OF FINAL PLANS FOR ARTS CENTER IN CAMBIER PARK. (8:39 a.m.)

In introducing architect Al French, City Manager Richard Woodruff noted that the art center had been designed and construction bids were out. Mr. French began his presentation by first pointing out several minor changes that had been made since Council's last review of the project. The roof had been changed to dark green aluminum which is generally maintenance-free, carries a 10 year warranty against fading and, although more expensive than concrete tile, holds up well in hurricanes. The other changes were modifications required to accommodate Council's mandated 8,000 square foot limit, a cultural connection across Fifth Avenue to link with the Naples Player's building, and an emergency exit stair added to the north side of the building.

Council Member Van Arsdale suggested installation of planters to enhance the alley parking and to keep cars from abutting a walkway, and Mr. French commended the idea.

Betty Young, project director for the art center assured Council Member Tarrant that paint, chemicals, and paint solvents, none of which are flammable, would not be disposed of at the art center. Mr. Tarrant then asked whether any shade trees would be removed and questioned whether the pavilion and the Girl Scout house would be affected. Mr. French responded that an estimated eight to ten trees were scheduled by staff for removal, some of which were diseased.

Twenty new shade trees were to be added on the park side of the art center and new palm trees would be added to the north and west sides. Dr. Woodruff clarified that the Art Association's landscape architect, Ellen Getz, would be coordinating with the City's landscaper, and reported that an estimated three to four trees would replace every removed tree. As for the two structures, Mr. French said he recommended relocation of the pavilion whereas the Girl Scout house would not be affected. In response to questions from Council Member Tarrant, City Attorney Cuyler made the following clarifications: although litigation is pending, the agenda item now under discussion specified a presentation only and none of the commentary appeared adverse to the case.

Mr. French pointed out that the design is for a building of 7,990 square feet, which meets the mandated 8,000 square foot limit. However, according to City code, a painting studio on the second floor required only one exit that was not only insufficient but also a probable flaw in the code. In seeking a solution for an additional exit, it was determined that a metal fire escape outside the building would be unsightly and would interfere with the cultural connection to Fifth Avenue. Therefore, an outside stairway was designed for the north side as an integral part of the building and, inasmuch as it serves no purpose other than a public safety feature, Mr. French said it had not been included in the 8,000 square-foot rule.

Council Member Tarrant questioned the letting of bids for the building since litigation had been initiated and there had, as yet, been no decision from the judge. Ms. Young responded that the bids were to be returned by September 30th for board review, adding that the Association was moving forward at the advice of its attorney. Dr. Woodruff explained that because no injunctions had been filed, the City would process the building permits. Mr. Tarrant, however, requested the record reflect his opinion that the agenda item and the ensuing discussion were detrimental to the orderly legal process.

Council Member Sullivan expressed concern that excluding the fire stairs from the total square footage would set a precedent, but Dr. Woodruff explained that the stairs were classified as non-mandatory and would be eliminated if the 8,000 square-foot limit was required to include them. However, Mr. Sullivan said he preferred assurance that the City would be protected in the future should mandatory fire escapes that expand a building's footprint be prohibited. Dr. Woodruff noted that the fire stairway does not violate setback or lot coverage regulations and, therefore, Council would not be establishing a precedent.

Ms. Young announced that the Art Association had met all of their fund-raising goals and intended to occupy the new building free of debt. Council Member Tarrant asked whether the association would be serving alcohol since the building would be located in a public park, and Ms. Young responded that serving wine and champagne had been a 43-year tradition, which Council had agreed to allow it to continue. Planning Director Missy McKim concluded by noting that the Staff Action Committee (SAC) had approved the plans presented by Mr. French.

Break 9:28 a.m. to 9:35 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....ITEM 4
DISCUSSION OF PROPOSED FINES FOR CITY CODE VIOLATIONS. (9:35 a.m.)

Dr. Woodruff related that at Mayor Barnett's request, an 18-month review of the City's code enforcement fines had been accomplished. Chief of Police and Emergency Services Kevin Rambosk and Legal Assistant Patricia Rambosk presented the results of their study along with suggestions for improvement. (Copies of the presentation transparencies are contained in the file for this meeting in the City Clerk's office.) Chief Rambosk noted that codes among Florida cities are so varied that no two ordinances are similar. Having studied the codes of ordinance for a variety of cities, it was determined that the West Palm Beach system appeared most comparable to the goals of Naples.

By way of background information, Chief Rambosk explained that the Naples Code Enforcement Board was created in 1986; the state has allowed cities to enforce all the codes within a city since 1989. A major change occurred in 1994 when the state created a supplemental municipal code, enabling cities to develop their own enforcement procedures. Ms. Rambosk pointed out that although Naples' code allows the Code Enforcement Board (CEB) to hear all violations, it does not authorize written notices to enforce the code. The City's current process is lengthy, allowing a maximum fine of \$250.00 (even though the state permits a \$500.00 fine), with no control over the collection method and no method for bringing violators to court.

Chief Rambosk suggested adoption of a supplemental code enforcement procedure to enable enforcement personnel to issue citations and allow Council to review and establish fines. He said that the courts fixed a \$36.00 fine for a "Notice to Appear," which the judge could increase to \$300.00 if a contested hearing found against the violator. He further suggested procedures to classify and define civil, serious, and repeat violations along with an escalating fine system and police empowerment to issue on-the-spot citations. Under Florida Statute, all fines can be contested in county court, but, by setting fines directly, the City would become a recipient of the revenues. Among the advantages of the recommended changes, Chief Rambosk said, is that fact that the CEB would be relieved of hearing minor offenses and the elapsed time from citation to solution would be shorter.

Chief Rambosk requested direction from Council to proceed with ordinance changes, and Mayor Barnett said he hoped Council would concur.

Vice Mayor Prolman asked for assurance that the City Attorney be included in ordinance drafting, and Council Member Nocera asked whether the warning system would be continued. Chief Rambosk said some immediate fines would remain, such as glass on the beach, but other types of infractions would include a warning system of five to seven days before being issued a \$250.00 ticket. The ordinance changes could be ready for Council action in approximately two months, he said. Council Member Nocera expressed concern regarding an additional burden on the county court system, but was assured that, since all violations have the potential to go to the courts, no new impact was anticipated. Dr. Woodruff said he anticipated an impact on compliance rather than on the courts or revenue. Council Member Tarrant wanted to know the

level of citizen involvement in developing the program and Chief Rambosk responded that many of the homeowner associations had requested better enforcement.

It was the consensus of Council to proceed with ordinance changes enabling enforcement personnel to issue citations for City code violations and providing a mechanism to set fines.

.....**ITEM 6**
REVIEW OF ITEMS ON OCTOBER 1, 1997 REGULAR MEETING AGENDA. (10:06 a.m.)

- Item 5h** ***(Purchase order for wooden street signs)*** City Manager Richard Woodruff said he would provide Council with the actual bids and a list of neighborhoods lacking wooden entry signs.
- Item 6** ***(Revision of signage standards for Gateway of Naples Shopping Center)*** City Manager Woodruff said he would include the requirement for numerical street numbers on the sign.
- Item 7** ***(PD Amendment for parking garage on 4th Avenue South)*** Planning Director Missy McKim said Council would receive a new staging plan for the Naples Players and traffic revisions. City Attorney Kenneth Cuyler said he would issue a memo regarding the amendment to the development agreement.
- Item 8** ***(PD Amendment to permit Naples Players use of western 80 feet and access from 4th Avenue South)*** City Manager Woodruff will provide Ordinance 92-6710, Sections 1 and 2 which are considered for replacement.
- Item 12** ***(Authorizing a bond issue for the Naples Players, Inc., to construct a theater)*** City Manager Woodruff will provide an explanation on the effects should the Naples Players default on the bond issue.
- Item 14** ***(Conditional use for rental of motor vehicles and mopeds)*** City Manager Woodruff will explain how electric mopeds will be affected by the ordinance.
- Item 17** ***(Conditional use for staged entertainment at 2950 9th Street North)*** In the event the item remains on the agenda, City Manager Woodruff will report on the history of complaints at the address in question.
- Item 18** ***(An interlocal agreement on beach parking)*** This item will be added to the October 1st agenda.

ADJOURN.....
10:13 a.m.

It is noted for the record that this meeting adjourned at 10:13 a.m and reconvened at 11:29 a.m. in order to complete the Agenda.

Mayor Barnett reconvened the meeting at 11:29 a.m. All Council Members were present.

.....**ITEM 8**
BALLOT QUESTIONS REGARDING NAPLES MUNICIPAL AIRPORT. (11:29 a.m.)

Council Member Nocera presented three questions for the February 3, 1998 general election ballot (Attachment 1), emphasizing that the purpose was to survey voters by way of a non-binding straw vote to evaluate public experience with the airport. Mayor Barnett asked what conclusions could be drawn from voter responses. Council Member Nocera responded that the first question would determine the number of Naples voters who actually use the airport and the second would reveal whether citizens considered the airport an asset. Mayor Barnett asked what the recourse would be if the majority responded that the airport is not an asset; and Mr. Nocera said they should then consider relocating it. Council Member Van Arsdale, however, objected to the use of yes-no questions to determine public opinion, suggesting that a survey or opinion poll would be more accurate. The third question asked if the voter had experienced noise-related problems from the airport, and Mr. Nocera pointed out that if the responses were unanimous, the noise problem would have to be addressed more seriously. Council Member Tarrant commended Mr. Nocera's efforts but stated that he would prefer a mail-in opinion survey for evaluating public sentiments and suggested the issue be tabled pending more information on the cost and relevance of such a survey.

City Manager Woodruff pointed out that ballot questions help determine the precincts of the City most affected by specific questions. He noted, on the other hand, that an independent survey could encompass a broad range of issues; and offered to invite an independent survey company to meet with Council to discuss techniques and costs. Council Member Tarrant indicated that until the airport master plan had been completed and analyzed, relevant questions about the airport could not be formulated. Vice Mayor Prolman said she felt that opinion polls tend to be capricious and short-term and, therefore, she suggested that a poll by the various neighborhood associations would garner the same data as a ballot question.

It was the consensus of Council to exclude the suggested questions regarding Naples Municipal Airport from the February ballot. Council instructed City Manager Woodruff to report to the workshop of October 13th on the feasibility of a citywide survey on major issues.

Open Public Input: (11:46 a.m.)

Everett Thayer was not present when called to speak. Mardon Collins, 1685 Airway Drive, commended Council Member Nocera for addressing the issues at Naples Airport. She expressed opposition to the current autonomy of the Naples Airport Authority.

.....**ITEM 7**
DISCUSSION OF FLORIDA DEPARTMENT OF TRANSPORTATION INTERMODAL APPLICATION. (10:49 a.m.)

City Manager Richard Woodruff said that the City had submitted an application for Florida Department of Transportation Intermodal Funds, traditionally viewed as a staff administrative function. He noted that several Council members had expressed concern regarding the appropriateness of staff having filed the application and, therefore, the subject was being presented for Council direction on whether to continue or withdraw the document.

It is noted for the record that Mayor Barnett left the meeting at 11:50 a.m. and Vice Mayor Prolman presided for the remainder of the meeting.

Dr. Woodruff clarified that the grant application did not assume a position had been taken on a second Gordon River bridge, but merely to have supplemental funding available for the future. He noted that the Metropolitan Planning Organization (MPO) master plan indicates the need for a second bridge by 2004 and a third by 2020; since a bridge would connect with the airport, the funding therefore becomes “intermodal.” He emphasized that while the funds applied for would be insufficient for building a bridge, it seemed prudent to submit an application inasmuch as they would be available for future use.

Vice Mayor Prolman stated that Council should have been informed of the application prior to its submission since the bridge is a controversial issue and expressed concern that her knowledge of the document had been gained from a newspaper article. Council Member Tarrant questioned the authority of the MPO to direct the City engineering division to apply for bridge funds prior to public hearings at the Planning Advisory Board (PAB) and the Council. Dr. Woodruff responded that the Collier County Commission is able to build roads, such as Goodlette-Frank Road, within the City and the MPO plan calls for the bridges to be built in the future. Mr. Tarrant asked if the MPO had similar jurisdiction and learned that, indeed, the MPO can unilaterally construct bridges and roads within the City. City Attorney Kenneth Cuyler said a review of the file indicated that the Florida Department of Transportation (DOT) had requested the application information be forwarded to the MPO, which was then required to forward it to its members who, in turn, could apply for the funds through the MPO. Nevertheless, Mr. Tarrant said it did not seem appropriate for the City to apply for bridge funds simply because Florida DOT asked them to.

City Manager Woodruff acknowledged that Council had not been included in the information process and asked whether they preferred to have the application withdrawn. He emphasized, however, that the application for the funds would not result in either a bridge or in an obligation to build one. Traffic Engineer George Archibald reported that he had, in fact, submitted the application after having discovered FDOT required a response within five working days. Further, Dr. Woodruff noted that staff regularly applies for grants without advising Council unless the funds are relevant to an issue before Council.

Council Member Tarrant said the grant application should be withdrawn and Council Member MacKenzie asked what the effect of withdrawal would be. Council learned that the MPO could, in fact, choose to disregard the request for withdrawal or accept it and simply use the funds for another project. Mr. Archibald explained that FDOT’s five-year program would be reviewed in 1998, at which time the City would know if the application had received serious consideration. Council Member Nocera said he supported taking advantage of available grant funds whenever possible. Dr. Woodruff confirmed that Council normally has input on how grant funds are spent even though Council may not have been part of the application process.

MOTION by Van Arsdale to HAVE THE APPLICATION STAND AS SUBMITTED; seconded by Nocera and carried 4-2 (MacKenzie and Tarrant dissenting, Barnett absent).

Open Public Input (continued): (12:07 a.m.)

Sewell Corkran, 213 9th Avenue South, stated that the MPO is required to conform to the plans of each government member, including the City of Naples. The Naples Comprehensive Plan, he said, does not include a bridge and, therefore, to seek money to build a bridge is contrary thereto.

Vice Mayor Prolman declined Council Member Tarrant's request that the vote regarding the MPO funding application be reopened.

Correspondence and Communications – *None*

ADJOURN

12:10 a.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Prepared by:

Molly Reed, Recording Specialist

Minutes Approved: 11/5/97