



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – April 13, 1998, 8:30 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bill Barnett, Mayor
Bonnie R. MacKenzie, Vice Mayor
Council Members:
Fred Coyle
Joseph Herms
John Nocera
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
Tara Norman, City Clerk
Richard Gatti, Development Services Dir.
Dr. Jon Staiger, Natural Resources Mgr.
Molly Reed, Recording Specialist
An Walker, Planner
Duncan Bolhover, Admin. Specialist

Members of Naples Airport Authority:
Joseph Bawduniak, Chairman
Barbara Cawley, Vice Chairman
Louis Amato
Ron Pennington
Leonard Thornton
Ted Soliday, Airport Executive Director
Other interested citizens and visitors
(See Attachment 1)

Media:

Dave Taylor, Media One
Marc Caputo, Naples Daily News
Dawn Grodsky, WNOG
Brent Batton, Naples Daily News
Fox News

ITEMS TO BE ADDEDITEM 2
None. (8:01 a.m.)

CITY MANAGER BRIEFING.....ITEM 3

(8:01 a.m.) City Manager Richard Woodruff reported on the following items:

- Volunteers needed for Cambier Park playground construction which begins today and will be completed at 5:00 p.m. on Sunday, April 19th.
- Bids received for municipal parking garage were higher than anticipated; therefore, negotiations are underway to lower the price. Otherwise, the City will reopen bidding. Dr. Woodruff explained that the City has committed to the Naples Players to open the garage simultaneously with the new theater. Council Member Tarrant suggested using out-of-state contractors and the feasibility to do so will be explored with City Attorney Cuyler.
- Purchase of trees for the pilot tree planting project will be included on the May 6th agenda.
- The landscaping on 7th Avenue North medians is moving forward.
- The next Council workshop will include a presentation on the Norris Center.

Mayor Barnett proposed that Council workshops again to convene at 8:30 a.m., opening with the City Manager's briefing.

It was the consensus of Council to convene Workshop Meetings at 8:30 a.m. and continue the practice of the City Manager's briefing at the beginning of the meeting.

.....**ITEM 4**
REVIEW OF ITEMS ON THE APRIL 15TH REGULAR MEETING AGENDA. (8:12 a.m.)

Item 5b (Purchase of radio equipment for Police and Emergency Services Department) City Manager Richard Woodruff will provide an analysis of additional costs for digital equipment.

Item 5c (Change order for additional water and sewer construction associated with 4th Avenue South and Naples Players) Council Member Herms received clarification that the City would be responsible only for improvements up to the use agreement line and all utility rearrangements for use by the general public. A copy of the agreement will be provided to Mr. Herms.

Item 6 (Planned Development amendment for marine-oriented facility at 1332 5th Avenue South) Staff will determine why the code for C2-A zoning permits a boat storage height of 38 feet. Council Member Coyle requested specific height measurements for all of the proposed buildings.

Item 7 (Establishment of a special assessment district within Port Royal and South Gordon Drive) Assistant City Manager Harrison to provide number of residences in the special assessment district requiring underground data transmission conduits.

Item 11 (Bid award for parking garage on 4th Avenue South) To be removed from the Agenda.

Item 12 (Florida Department of Transportation County-wide signal system) To be removed from the Agenda.

Item 16 (Sale of two surplus centrifuges) To be removed from the Agenda, this item having been resolved at a special meeting of Council on April 8th.

Item 17 **(Authorize construction management at risk services for addition to Police & Emergency Services Department building)** Total square footage of the building addition to be available at the Regular Meeting.

It was noted that two items contained in the Council packet, but not on the Agenda, would be considered at the May 6th meeting. Dr. Woodruff explained that Council had instructed that items not be added to the Agenda, but Council Member Van Arsdale expressed concern that such rigidity would lead to inefficiency. One of these items, an April 24th street dance, will be granted administrative consent and Council confirmation would occur at the May 6th Regular Meeting.

CITYANNEXATION POLICIESITEM 5a
(8:36 a.m.) Council Member Tarrant submitted the following issues which he proposed applicants for annexation respond to:

1. Itemize the reasons for annexation.
2. Describe the benefits of annexation to the City – prepared by the Planning Department.
3. What is the current zoning or development rights on the property?
4. List all owners of the property that is to be annexed.
5. Is the property part of County Planned Unit Development (PUD)?
6. Present an analysis on the impact to traffic, utilities, water, sewer, and all City services.
7. Provide adjacent property owners' objections or approvals.
8. Realize that there will be a 6-month period between the annexation process and any development agreement on the property.
9. Confirm that the annexation proposal meets all City, County and State legal requirements.
10. Clearly state that the annexation shall not imply Council approval for any future development of the property.

In addition, Mr. Tarrant suggested voters be allowed to approve or reject the proposed annexation in the next scheduled election. Mayor Barnett pointed out that it is not the City's policy to solicit annexation and that City staff routinely reports on all of the items on the above list as part of the process. City Manager Woodruff clarified that in the past seven years there had been approximately four developed-area annexations, plus one or two single lots; no significant future annexations are anticipated. Council Member Coyle, however, stated he favored a clear policy and asked whether Mr. Tarrant's list could be codified. Dr. Woodruff then reviewed Mr. Tarrant's list in light of current City procedures:

1. The annexing petitioner always states the reasons for annexation without the City's having to request it.
2. The staff report includes, and the petitioner are required to itemize, the benefits to the City.
3. Current zoning is included in staff's review of the petition.
4. The petition requires that all owners and legal agents be listed. However if it is a corporation, the City may be limited in requiring a list of all principals.
5. A review of the County zoning will indicate whether the property is part of a County PUD.
6. The City is required by the State to perform an analysis and report on the impact to services such as police and emergency services. However, the annexing area is generally already a utility customer and, unless the land is undeveloped, a traffic study is not necessary since traffic is already established.

7. All adjacent property owners are advised of the proposed annexation and may speak at all public hearings pertaining to the annexation.
8. A six-month period between annexation and a development agreement is not currently City policy.
9. A proposed annexation would never be considered or brought before Council unless it complied with City, County and State law.
10. The developer is informed that specific Council approval is required for any development agreement.

Council Member Van Arsdale questioned whether the ten points were compatible with the Comprehensive Plan, stressing that it was important to clarify zoning at the time of annexation, not six months later. Council Member Herms stated his preference for identical, consistent zoning in the County and the City and Mr. Tarrant cited the benefit of straightening the City's borders as a result of prior annexation. Dr. Woodruff said that annexation requests are often predicated on basic economic considerations since insurance, water and sewer costs are lower within the City.

ANNEXATION / DEVELOPMENT – WILDERNESS PROPERTYITEM 5b
(9:02 a.m.) Council Member Tarrant reviewed the issues arising from annexation of the Wilderness Property, concluding that the annexation should be erased, thereby ending the on-going litigation. City Manager Richard Woodruff recommended consultation with City Attorney Kenneth Cuyler stating that de-annexation is a complicated process. He also pointed out that when the development agreement expires on April 28th, Council acquires control over future use of the property. Mr. Tarrant, however, maintained that the original annexation was in violation of State Statute. Vice Mayor MacKenzie recommended that any further discussion should be in the presence of the City Attorney; Dr. Woodruff said he would ask Mr. Cuyler to respond to Council's questions in writing. He noted, however, that Council would be in violation of the Comprehensive Plan if the annexed property were not rezoned by April 28th when the Planned Development (PD) expires.

Council Member Herms, citing State Statutes, said that should the Frank family choose to have the property de-annexed, the law would permit it, following a City-wide vote to do so. Dr. Woodruff, however, contended that the matter could only be resolved by the courts. Council Member Van Arsdale and Mayor Barnett agreed that the overriding issue was zoning rather than a reversal of the annexation.

Public Input: (9:24 a.m.)

James Ricca, 104 Wilderness Drive, representing the Wilderness Condominium Association, reviewed the history of the development, stating that he considered annexation a privilege. (A copy of Mr. Ricca's report is contained in the file for this meeting in the City Clerk's Office.) Regarding the annexed portion of the development, he stated that his organization preferred retention of County Planned Unit Development (PUD) zoning for the parcel. Mr. Tarrant, however, said his major concern was that the City had violated the law with the annexation of the property.

It is noted for the record that City Attorney Kenneth Cuyler arrived at the meeting at 9:31 a.m. having been requested to attend by Vice Mayor MacKenzie.

Council Member Nocera inquired whether, in fact, the City had permitted an illegal use for the property, and Planning Director Missy McKim explained that the County Comprehensive Plan designated the land as an urban area with a limited density of 16 transient units per acre. Council Member Coyle observed that City zoning would have permitted an additional 85 hotel rooms. Dr. Woodruff clarified that the issue focused on density rather than whether or not a transient lodging facility were built and noted that Mayor Barnett had submitted a memorandum proposing that City and County hotel densities be identical. He then clarified that the County's standard was simply a process requiring any use of the property to receive County Commission approval; it did not address actual permitted uses. Nevertheless, Mr. Tarrant said that the City's actions had resulted in a lawsuit from the Wilderness residents.

Following review of the State Statute relating to de-annexation, City Attorney Cuyler said that since there are no voters living on the land in question, and de-annexation requires landowner agreement, it appeared that de-annexation would be possible without Council's vote. Mr. Van Arsdale pointed out that appropriate use of the property was the central issue requiring Council's attention. Mr. Cuyler said he presumed the lawsuit would be dismissed since continuing it would not benefit the plaintiffs.

Paul Frank, 101 Wilderness Drive, emphasized that neither he nor his family are developers and pointed out that when the Wilderness Country Club was built, the residential density was 1.4 acres per unit. Having lived in Naples for 64 years, Mr. Frank said he had known many people including City Manager Woodruff whom he commended for maintaining high ethical standards. Regarding the annexation agreement, he stated that he had considered it an asset to the City and stated that if the City no longer wanted the annexation, he would concur with de-annexation since the value of the property remains the same regardless of whether it is located in the City or the County. He then invited Council's questions in order to dispel misunderstandings.

Council Member Herms stated his preference for retaining the annexed property since it would lead to annexation of the Wilderness residential area. Mr. Tarrant said that his objections to the annexation had pertained to the TelTrust Corporation that was purchasing the property but that he, too, would prefer to annex the Wilderness in its entirety.

Mr. Ricca said that so long as the uses of the property could be determined by the residents, he was confident that the entire Wilderness complex would agree to annexation into the City. Vice Mayor MacKenzie confirmed with Attorney Cuyler that the annexation had been finalized. Council Member Coyle, however, cited a State Statute requiring the property to be annexed in its entirety and not partitioned. City Manager Woodruff, however, stated that the Statute had indeed been followed because the annexed parcel was under contract with a separate legal description; he suggested that the remaining parcel be separately annexed followed by rezoning for each parcel. City Attorney Cuyler said that although the entire parcel had been under one PUD, each sector was separate and, therefore, adhered to the Statute. He said that all parties were seeking a comprehensive solution.

Dr. Woodruff proposed that a letter explaining the de-annexation process be sent to the Frank family and requesting direction prior to any action by the City regarding zoning for the annexed parcel.

It was the consensus of Council to request the Frank family's direction regarding annexation and preferred compatible uses of their property.

It is noted for the record that a prior motion by Council Member Herms to move forward to annex the entire Frank family parcel into the City, applying all County zoning standards to the parcel, failed for lack of a second.

Mr. Frank pointed out that the Wilderness Country Club was among the first PUDs in Collier County, adding that the major component of a PUD is flexibility. Dr. Woodruff confirmed that a Planned Development (PD) was intended to give both the developer and the City design options while also establishing preferred restrictions. Mr. Frank then inquired whether the City could authorize increased density for a project if the design were acceptable, and Mr. Cuyler responded affirmatively. Mr. Frank therefore encouraged Council to focus on future quality of life rather than building height and density.

Recess: 10:22 a.m. to 10:37 a.m. It is noted for the record that the Council Member Herms returned at 10:40 a.m.

**.....ITEM 6
DENSITY STANDARDS FOR TRANSIENT LODGING FACILITIES. (10:27 a.m.)**

Mayor Barnett said that he and Council Member Tarrant were in agreement that density standards for future transient lodging facilities should be established. Council Member Van Arsdale pointed out that the Ritz and the Registry Hotels are located in the County and do not conform to County density standards. Similarly, he said the County standard of units per acre, if adopted by the City, would result in numerous undesirable low-rise motels. He also noted that there are 5,000 hotel rooms in the County, nearly half of which are in the City and, in fact, the City contributes the higher percentage from tourist tax revenues toward beach renourishment.

Vice Mayor MacKenzie determined that the parking standard allowed 38 transient units per acre. Council Member Coyle endorsed the concept of a cap on the number of hotel rooms, adding that the City's obligation is to the residents and voters rather than to vacationers. Vice Mayor MacKenzie countered that many people assert that business opportunities are market-determined and that governmental regulations only interfere with the process. Nevertheless, Mr. Coyle said parking standards should not be lowered. City Manager Woodruff pointed out that any hotel or motel built in the City required a conditional use, and he itemized Council's alternatives: 1) leave current regulations intact while maintaining a policy that permission for additional hotel and motel rooms will be difficult to obtain; 2) establish a cap on the number of rooms in the City, which he recommended as a last resort; or 3) adopt a density per acre that would not be retroactive.

City Attorney Kenneth Cuyler confirmed that caps require justification via in-depth studies in order to withstand legal challenge, whereas a density per acre regulation is simply an amendment to the existing code. Mr. Tarrant, however, suggested a trial period of the county density standards. Following a discussion to determine which zoning districts permit transient units as a conditional use, Council Member Van Arsdale said the complexity of the issue had just been illustrated, noting that the County standard includes "activity centers" which is a concept the City does not use. Council Member Herms expressed his preference for removing the conditional use provision in specific zoning districts, and although Mr. Van Arsdale said he

would support that action for the R3-T district, Vice Mayor MacKenzie pointed out that to do so would designate the Naples Beach Hotel and the Edgewater Hotel as non-conforming.

Dr. Woodruff observed that Council appeared ready to regulate the number of transient units and, therefore, the Planning Advisory Board (PAB) and staff would examine the issue and present Council with alternatives and recommendations. He also requested Council's authority to inform the public that this study is underway and therefore no transient units were likely to receive approval until it had been completed. In addition, it was determined to include the following aspects in the study: 1) optimum zoning for hotels; 2) architectural standards; and 3) transient unit carrying capacity. Vice Mayor MacKenzie requested that the study also determine whether or not the City can regulate how many similar businesses can be permitted in close proximity to one another.

.....**ITEM 9**
DISCUSSION OF STREET CLOSURES FOR SPECIAL EVENTS. (11:04 a.m.) City Manager Richard Woodruff explained that Council would be considering specific streets available for closure as well as limiting the number of annual closures. The limitations would result in events being moved to less-used City streets or outside the City altogether. Council Member Van Arsdale proposed that Council prohibit closures on both 5th Avenue South and 8th Street between December 15th and April 15th during the Gordon River bridge renovation. Dr. Woodruff offered to proceed with administrative hearings since requests for next year's street closures were already being received and he was told to continue so that a policy could be established at Council's May 18th Workshop Meeting.

DISCUSSION OF UTILITY TAX FINANCING......**ITEM 7**
(11:11 a.m.) Vice Mayor MacKenzie said that she had requested this discussion and explained that the policy adopted by Council in the early 1970s was designed to spread the cost of government among the recipients of government services. Franchise fees and utility taxes were established to support the services that benefit both full-time and part-time City residents. Assistant City Manager William Harrison then delivered a presentation describing the current system and, using the example of an average single family residence, he demonstrated that if the current system were abandoned and the difference adjusted via increased ad valorem taxes, the annual impact on the property owner would be an increased cost between \$16 to \$100. (A copy of this example is contained in the file for this meeting the City Clerk's Office.) Among the benefits of the current system, Mr. Harrison cited the following:

- It has served the City well for a long period of time;
- Naples has a dedicated source for capital expenditures so that the maintenance needs of the City can occur immediately rather than being deferred; and
- Operating expenses are not affected by the 3% state-mandated (Save Our Homes) limit on increases in ad valorem taxes.
- Some non-profit properties do not pay ad-valorem or utility taxes, whereas they do pay franchise fees.

Vice Mayor MacKenzie noted that interest in this subject was due to the perception that because ad valorem taxes can be deducted on federal tax returns, the City's system was not beneficial to the taxpayer since user fees cannot be deducted. However, elimination of the current system would require an increase of ad valorem taxes, doubling the current amount for most property owners. Council will retain the current system.

.....**ITEM 8**
DISCUSSION OF POLICY REGARDING REMOVAL OF EXOTIC TREES ON CITY PROPERTY. (11:28 a.m.) City Manager Richard Woodruff clarified that Council sets policy, as was the case with the previous Council's instructions to remove the Australian pine trees at public beach areas. Council Member Herms recommended that the trees be trimmed and remain in place to provide shade. Natural Resources Manager Jon Staiger, however, recommended removal because the original policy had been intended to coincide with the requirement that private homeowners also remove this species. They are, he said, considered an exotic tree, adding that the State supports their removal. An alternative would be either the coconut palm or seagrape, which are not considered invasive and can also grow along the beach.

Dr. Woodruff clarified the City ordinance which states that when a vacant lot is developed or an existing structure is to be redeveloped, all exotic trees and plants must be removed. Australian pines at the beach ends, he acknowledged, are a hazard during a hurricane but recommended they be removed gradually since they are a significant part of the character of the Naples beach.

Staff was instructed to retain the Australian pines at beach ends but trim them to prevent storm danger; those in the parks will be considered on a case-by-case basis.

.....**ITEM 10**
REPORT BY CITY ATTORNEY REGARDING SUPER-MAJORITY REQUIREMENT FOR ZONING QUESTIONS. (11:44 a.m.) City Attorney Kenneth Cuyler reported that he had been unable to locate legal precedent that would definitively permit a super-majority requirement. His conclusion, he said, was that home rule powers nevertheless enable a municipality to enact such a law. Vice Mayor MacKenzie pointed out that this practice in the County seemed to work well and was not an impediment to growth or property rights since it applies only to rezones. The options, she said, were either to enact it by Charter amendment or by ordinance, which was her preference.

Mayor Barnett offered his support for an ordinance so long as it was limited to height and density rezoning questions. Council Member Van Arsdale said that rationale for such an ordinance was not clear nor was there evidence that the existing policy was faulty. He maintained that it would be fundamentally wrong to permit three votes to determine the outcome since a simple majority is a basic principle of American government. Council Member Herms, however, expressed his contention that zoning issues should require more than a simple majority, and Council Member Coyle cited situations wherein the City Charter requires a super-majority vote, adding that land use issues should be included. Mr. Coyle then expressed his support for the ordinance since it could subsequently be changed; Council Member Tarrant concurred. Mr. Van Arsdale noted that since the exceptions calling for a super-majority are cited in the Charter, a requirement for zoning issues should be included there as well.

City Attorney Cuyler pointed out that an ordinance would likely draw a legal challenge whereas a challenge was unlikely with a Charter amendment. Council could also initiate a lawsuit seeking a declaratory judgement to determine the right to enact such an ordinance. Vice Mayor MacKenzie maintained that she was merely seeking a consensus to request the City Attorney to draft an ordinance.

Mr. Herms said his concern was that density be determined by parking availability. Dr. Woodruff, however, clarified that density, as used in the zoning code, refers only to residential units and not to commercial zoning. He emphasized, therefore, that Council carefully define terms since the word intensity rather than density applies to commercial zoning. In addition, he pointed out that since an ordinance enacted via a simple majority could be rescinded the same way, he preferred a Charter amendment. Dr. Woodruff also cautioned Council that any ordinance should itemize those zoning elements requiring a super-majority vote, to avoid misinterpretation. Mr. Herms, however, stated his preference that the ordinance apply to all zoning.

Attorney Cuyler said that all the items would be defined and included in a proposed ordinance which he would present to Council in approximately 90 days, and Dr. Woodruff pointed out that there were deadline considerations for a ballot referendum.

It was the consensus of Council to authorize the City Attorney to draft an ordinance specifying requirements for a super-majority vote for zoning and land use issues. (Van Arsdale dissenting)

**Withdrawn.....ITEM 11
PRESENTATION OF FLORIDA DEPARTMENT OF TRANSPORTATION
FEASIBILITY AND FUNCTIONAL DESIGN STUDY FOR COUNTY-WIDE SIGNAL
SYSTEMS.**

Recess; 12:29 p.m. to 2:00 p.m. It is noted for the record that Council Member Van Arsdale arrived at 2:03 p.m. and Council Member Nocera arrived at 2:04 p.m. The following members of the Naples Airport Authority were present: Louis Amato, Joseph Bawduniak, Barbara Cawley, Ronald Pennington and Leonard Thornton.

**.....ITEM 12
JOINT DISCUSSIONS WITH THE CITY OF NAPLES AIRPORT AUTHORITY. (2:00 p.m.)** Naples Airport Authority (NAA) Chairman Joseph Bawduniak explained that he and the other members were present to respond to questions from Council and to review the following items:

- Airport Road project;
- Status of the General Aviation Terminal project;
- A commercial service update;
- Stage one jet ban activities, and
- The North Road project.

Airport Authority Vice Chairman Barbara Cawley reported that both practical and aesthetic improvements along Airport Road hinged on water management since 80% of the water surrounding the airport originates off-site. It was important, therefore, to develop a system that would resolve the problem rather than transfer it to surrounding areas; therefore, a consultant was used to design a system for undergrounding of weirs along the roadway while adding a bicycle path and sidewalk atop concealed ditches. The project, which includes attractive landscaping, will be funded jointly by the Authority, FAA, the Florida Department of Transportation and Collier County.

Vice Mayor MacKenzie learned that a \$1.2 million grant from State and NAA funds were available and Council Member Coyle was told by Airport Executive Director Ted Soliday that the project is not currently budgeted for any County funding. Mr. Coyle suggested however that the County be encouraged to move the project from future plans to the next budget. Mr. Soliday agreed, indicating that the project would be able to proceed with a significant cost savings if all the work is performed at one time. Council Member Van Arsdale suggested the sidewalk construction be coordinated with the North Road greenway project.

Chairman Bawduniak informed Council that the former General Aviation Terminal had been razed and the new one being built is under budget. He reported that the project was the first instance of State authorization for project-management-at-risk; the system appeared to be working very satisfactorily and was, in fact, ahead of schedule.

Regarding commercial service, Mr. Soliday clarified that in two years the service had dropped from six carriers to two with limited schedules. However, American Eagle and US Air Express had indicated more service would be added. Mr. Bawduniak reported that passenger traffic in 1997 dropped by 43,000 from the prior year.

Chairman Bawduniak recounted the successful effort to ban stage one jets from the airport at night. In January 1998 the NAA considered a total ban of these jets and proceeded to file a protocol with the FAA in Washington D.C. where it is now under consideration. He commended the airport staff for accumulating vast amounts of data in a short time period in order to file the required 150 Study for FAA consideration. An FAA response is scheduled to occur 180 days following advertisement for public input.

Council Member Van Arsdale questioned whether guidelines had been established to measure airport noise since passenger decline would impact traffic. Mr. Soliday said that a Federal grant application included purchase of two portable noise-measuring devices. Mr. Van Arsdale, however, pointed out that the City's main concern was learning if airport noise was increasing or declining and urged the NAA members to develop a quantifiable method to report these fluctuations. One method that had been used successfully, Mr. Soliday reported, was to direct flight patterns over the least populated areas and, in fact, these flight paths had become the standard procedure.

Council Member Coyle questioned whether an alternate plan was in place in the event the FAA does not approve a ban on stage one jets. Mr. Soliday responded that he would be working the FAA in early June to achieve the ban since many aviation organizations support it. However, Mr. Bawduniak said that a staff survey had shown that the number of stage one jets using the airport is very low and an FAA survey confirmed this data.

Chairman Bawduniak said the North Road Project was an FAA priority since it pertained to airport safety. Several advantages would accrue to the City, he noted, including a future link to a second Gordon River bridge and improvements that would not have to be funded by the City.

NAA Member Ron Pennington explained that the Authority had purchased two parcels of land that were not located in the City and stated his preference that the property become annexed into

the City under C-4 zoning. It was determined that the total size of the combined parcels was approximately 75 acres; 50 City acres are zoned residential with a conservation overlay and 25 County acres are zoned public space (PS). Mr. Pennington said he did not anticipate any objections to the City's annexation or a C-4 zoning designation for the entire area in conformity with the C-4 zoning in effect for the entire airport complex. Council Member Van Arsdale clarified that, regardless of zoning designation, the land would remain undeveloped. NAA Vice Chairman Barbara Cawley observed that since it is not wetlands a conservation designation would not suffice in this regard, but if it were zoned C-4, any plans affecting the land would require site plan approval by City Council. However, Mr. Van Arsdale noted that the zoning should conform to the Comprehensive plan. It was then noted that an airport request for annexation of the entire parcel would be well received.

Council Member Tarrant reported that the Old Naples Association objected to construction of a second bridge at Central Avenue, and Mr. Pennington explained that the NAA took no position regarding a bridge or its location, only that should a bridge be built, it would be compatible with the North Road Project. Mr. Coyle, however, expressed concern that relocation of the road would permit runway extension, but Chairman Bawduniak pointed out that the City had passed an ordinance prohibiting such action.

Council Member Herms asked whether repaying all FAA grants and funding would curtail FAA oversight and thereby allow more stringent noise restrictions. Mr. Bawduniak responded that over the past 20 years FAA grants totaled nearly \$15 million, and that no precedent existed for such action. Vice Chairman Cawley noted that the NAA attorney had clarified that, in fact, various regulations prohibited returning grant monies.

Mr. Herms then stated that he favored authorizing the Council to become the Airport Authority; which he predicted would eventually occur. Council Members Herms, Coyle and Tarrant agreed that they preferred to have the Airport Authority function in an advisory capacity to the Council and Mr. Tarrant said he believed the 20-year airport master plan included future expansion. Chairman Bawduniak countered with an itemization of NAA actions in response to the community and Council requests: ban on stage one jets, elimination of large aircraft use, noise abatement via altered flight paths, and elimination of a third runway while shortening another one. Further, he pointed out that all improvements after five years would require Council approval, and therefore the master plan was essentially a five year plan. He concluded that the appointed board members were autonomous in order to avoid political influence and pointed out that the restrictions imposed upon the Airport Authority would also apply to Council if they were to effect repeal of NAA's enabling legislation. NAA Member Pennington then chronicled circumstances leading up to the establishment of the Airport Authority, noting that taxpayer concern for bearing airport debts had been a significant factor. He emphasized that NAA members are appointed by Council and therefore serve at the pleasure of Council making the body not wholly autonomous from political considerations.

Council Member Nocera concluded that he was not prepared to determine whether or not the NAA remains autonomous or is converted to an advisory board, and Mayor Barnett reiterated that removal of NAA autonomy would force Council to operate the airport. Mr. Coyle, however, took the position that autonomy was neither relevant to the successful operation of the airport nor

affected its profitability. NAA Member Pennington then noted that, with the exception of Vice Mayor MacKenzie, Council Members do not regularly attend NAA meetings, adding that the exchange of information between the two groups would prove advantageous to both. NAA Member Leonard Thornton pointed out that several legal issues of the underlying statute affect airport operations; the Airport Authority could ban stage one jets as the airport proprietor whereas a governmental entity, such as Council, could not. Regarding repayment of grants, Mr. Thornton asked whether Council wanted to retain the airport. Mr. Herms said his concern was limited to control of stage one and stage two jets.

Council Member Nocera said he would report back to Council following his discussions with City Attorney Kenneth Cuyler regarding a conversion of the NAA to an advisory board or retention of its present autonomy.

Public Input: (4:00 p.m.)

Sam Wilson, 1165 Clam Court, expressed disappointment that Naples Airport remained open during the night. **Russell Ferguson, 540 12th Avenue South**, said his concern was that particles from airplanes were polluting his lanai and were a health threat. **Tom Trettis, 215 5th Avenue South**, said he had drafted the original legislation to create the Airport Authority in 1967, but that a review of the enabling act was warranted; although it would require State legislative authority to alter the agreement.

CORRESPONDENCE AND COMMUNICATIONS.....

None

OPEN PUBLIC INPUT

None

ADJOURN

4:07 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Prepared by:

Molly Reed, Recording Specialist

0.

Minutes Approved: 6/3/98