



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – Monday, June 1, 1998 – 8:30 a.m.**

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Mayor Barnett called the meeting to order and presided.

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**ROLL CALL .....ITEM 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 L. Woodruff, City Manager  
Kenneth Cuyler, City Attorney  
Kevin Rambosk, Chief of  
Police and Emergency Services  
Tara Norman, City Clerk  
Ron Lee, Planner  
Cory Ewing, Planner  
Susan Golden, Planner  
Duncan Bolhover, Adm. Specialist

Cheryl Coyle  
Arlene Guckenberger  
Robert Noble  
Werner Haardt  
Charles Kessler

**Media:**

Mark Caputo, Naples Daily News

Other interested citizens and visitors

**ITEMS TO BE ADDED .....ITEM 2**  
None

**BRIEFING BY CITY MANAGER.....ITEM 3**

City Manager Richard Woodruff explained that utility services in the Royal Harbor area had been interrupted due to work on the Gordon River Bridge rebuilding project; residents had been notified and provided with bottled water, but the interruption had nevertheless been longer than anticipated.

Dr. Woodruff also reported that the Naples Bay Project Committee had requested postponement of amendment to the C2-A Waterfront Commercial zoning district pending their recommendations, expected in the near future. **After discussion, the Council determined that a joint workshop with the Committee would be held on August 3, followed by Planning Advisory Board review on August 12, with first and second reading of the rezone ordinance anticipated on September 2 and 16, respectively.** It was noted that this schedule therefore anticipated input from the Naples Bay Project Committee by mid-July.

City Manager Woodruff then explained that Planner Ron Lee would serve as Interim Planning Director and predicted that the search for a new director could take as long as six months. However, he recommended that no new planning initiatives be undertaken during the search period. Various Council Members nevertheless highlighted areas which they indicated were of critical importance. Council Member VanArsdale cited the need to address zoning in Old Naples where, he pointed out, many new projects are maximizing redevelopment potential. He also called for action on the 41-10 master plan to likewise coordinate current redevelopment occurring on individual sites. Council Member Coyle stated his concern that the Planning Advisory Board could be better utilized if its function were split between routine petition review and overall planning. Noting that a similar proposal had been reviewed in the past without resolution, **City Manager Woodruff indicated that he would schedule a joint workshop with the Planning Advisory Board to pursue further bifurcation of duties.**

Council Member Herms requested a copy of materials provided to the 41-10 Special Committee regarding the maximum development which could be allowed on a block in the 41-10 Redevelopment Area.

**REVIEW OF ITEMS ON THE 6/3/98 REGULAR MEETING AGENDA .....ITEM 4**

**Items 8 & 9 (service station petitions)** City Manager Woodruff will determine the willingness of petitioners to install generators to power fuel pumps during emergencies. **Item 10 (Variance Petition 98-V10)** Council will be provided with an improved drawing. **Item 15 (Comp Plan Revisions)** City Manager Woodruff will provide a schedule for rezoning properties on Gulf Shore Blvd. following passage of this ordinance; the City Manager will also provide Council Member Herms with historical information on requests for Gulf Shore rezoning. **Item 23 (Building Code revisions)** Staff will be present to review changes in detail for the public. (It was noted that mid-day recess will be scheduled from noon to 1:30 p.m.)

**.....ITEM 5**  
**CONTINUATION OF 5/4/98 DISCUSSIONS REGARDING A PROPOSED ETHICS ORDINANCE.**

Council Member Coyle noted that a revised draft had been provided to the Council. Council Member Van Arsdale inquired about enforcement of the proposed ordinance, noting that one of the concerns with the existing state ethics law had been the slowness of processing complaints. Mr. Coyle reported that the State Attorney's Office had indicated that City ethics law complaints

would be investigated and prosecuted by the local staff. Council Member Van Arsdale suggested, therefore, that the City merely adopt the state ethics code to achieve local criminal prosecution. While praising the extent of Mr. Coyle's work on the proposed ordinance, Council Member Van Arsdale then suggested that the regulation be simplified to state that no elected official would accept gifts or grant favors to any party, also expressing the belief that legislation would not make an unethical person ethical. Council Member Tarrant stated that he had previously submitted simplified ethical guidelines which the Council had declined to adopt.

Mayor Barnett said he supported a strict ethical code applicable to elected officials but did not agree with extending the scope to staff and advisory board members. City Attorney Cuyler then clarified for Council Member Nocera that certain statutory exemptions regarding public officials doing business with the City could be included in the ordinance. However, Mr. Cuyler confirmed that because of these exemptions, it may be necessary for Council Member Nocera to declare a conflict of interest when voting on the proposed ordinance.

Noting her experience as a certified ethics instructor, Vice Mayor MacKenzie said that an ethics code should go beyond a legal requirement and provide positive motivation to maintain high standards. She supported circulating the text of the proposed ordinance for comment by property owner associations and members of the general public.

Council then noted that the proposed ordinance would not apply to City employees who are members of labor union bargaining units. City Manager Richard Woodruff also pointed out that personnel policies and procedures are already in place to cover all City employees outlining specific prohibited conduct and penalties. He, therefore, registered his objection to including any positions below top management. **It was the consensus of Council that City Manager Woodruff identify those employee positions which would be regulated by the proposed ordinance.** Mayor Barnett and Vice Member MacKenzie expressed concern that if the ordinance applied to advisory board members, individuals would be reluctant to volunteer due to possible professional conflicts. Council Member Coyle, however, pointed out that not only do advisory board members have conflicts of interest in voting but that they should not be allowed to represent petitioners before the board on which they serve. Council Member Tarrant suggested that practicing attorneys be prohibited from serving on the Planning Advisory Board because of the possibility that relationships with various clients could present a conflict of interest. Council Member Van Arsdale, however, cautioned against creating additional bureaucracy through passage of the proposed ordinance, and said that unless specific problems could be cited regarding conflicts of interest which had occurred among advisory board members, such regulations would discourage individuals from volunteering for what he described as considerable amounts of time in service to the City. Council Member MacKenzie pointed out that the term "gain" was not defined in monetary terms in the proposed ordinance which also did not address possible conflicts of interest represented by not-for-profit companies or political action committees. **It was the consensus of Council that the proposed ordinance be reviewed section by section.**

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**Recess: 10:30 a.m. to 10:44 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.**

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In reviewing the ordinance, various changes were made by the Council. A listing of those changes appears as Attachment 1. **It was the consensus of Council that the ordinance would be placed on the June 17 regular meeting agenda for first reading.**

**CORRESPONDENCE / COMMUNICATIONS .....**

Regarding rocks on the beach in conjunction with the renourishment project, Mayor Barnett reported that County staff had been directed by the County Commission to investigate the extent of the problem and to report its findings.

Council Member Coyle indicated that the 41-10 Special Committee report was imminent and that a presentation to Council of approximately 30 minutes would be needed followed by discussion of approximately 90 minutes. Mayor Barnett indicated that such a presentation could be scheduled Monday, June 15, but recommended that the June 15 evening budget workshop be kept in mind when finalizing the schedule.

At the request of Council Member Herms, staff was directed to provide recommendations on tree planting at the June 15 regular City Council workshop. Staff will also report back on whether the beach rake currently in operation can be used to remove surface rocks during turtle nesting season. It was noted that City Attorney Cuyler would meet with Council Member Herms regarding liability issues relative to beach rocks.

**OPEN PUBLIC INPUT .....**

**Charles Kessler, 4125 Tenth Avenue South**, supported concerns expressed by Council Member Van Arsdale earlier in the meeting regarding a need to immediately address land use in Old Naples due to the extent of redevelopment occurring there.

**ADJOURN .....**

12:05 p.m.

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Bill Barnett, Mayor

Minutes prepared by:

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Tara A. Norman, City Clerk

Minutes approved: 6/17/98