

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – March 1, 1999– 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
Dr. Jon Staiger, Natural Resources Mgr.
Ron Lee, Planning Director
Tara Norman, City Clerk
Donald Wirth, Community Svs. Director
Ann Walker, Planner
Cory Ewing, Planner
Virginia Neet, Deputy City Clerk
Jessica Rosenberg, Recording Specialist
Duncan Bolhover, Admin. Specialist
Arlene Guckenberger
Cheryl Coyle
Attorney Anthony Pires
Pamela MacKie
Alan Reynolds
Phil DePasquale
George Varnadoe
Margaret Layton
Wheeler Conklin

Don Major
Rick Olson

Media

Annalena Foster

Other interested citizens and visitors.

**Prior to commencement of the agenda, the
public was notified of procedures to be
followed by speakers and petitioners.**

ITEMS TO BE ADDED (8:30 a.m.).....ITEM 2

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

BASKETBALL PLAY AT CAMBIER PARK ON SUNDAY MORNINGS

Phil DePasquale, 681 West Lake Drive, stated that he had been playing basketball at Cambier for ten years and that his group would like to begin play at 8:30 a.m. in winter and at 7:30 a.m. in summer due to the heat. Fellow basketball player Don Major confirmed that tennis and other activities begin very early in the park, and that the only day his group desires early use is Sunday. He said that he felt 8:00 a.m. would be early enough to begin play in summer. Neighbor Rick Olson, 732 Eighth Avenue South, said that he had polled the neighbors and confirmed that most disapproved of early basketball play, especially on Sundays. Peggy Layton, 706 Eighth Avenue South, directly across from the basketball court, stated that Sunday mornings should remain quiet and proposed finding an alternate location for the basketball court in the park. Dr. Woodruff confirmed for Vice Mayor MacKenzie that the City Manager has the authority to designate hours of operation for particular park activities. He added that tennis play may begin at 7:00 a.m. although basketball play cannot start until 9:00 a.m. due to noise. Dr. Woodruff noted that two other neighbors had voiced approval for an 8:30 a.m. start time. Because of the apparent disagreement between neighbors, however, Mayor Barnett proposed retaining the 9:00 a.m. start time. Vice Mayor MacKenzie suggested that the players use the court at nearby Gulfview Middle School, but Mr. DePasquale contended that these facilities are not adequate. Council Member Van Arsdale agreed with Ms. Layton and proposed researching alternate locations in Cambier Park for the basketball facility.

It was the consensus of Council (Nocera dissenting) to retain the 9:00 a.m. start time for basketball play on Sundays in Cambier Park. Staff was directed to research feasibility of relocating court to another section of the park.

.....ITEM 3
INTERVIEWS WITH ADVISORY BOARD CANDIDATES (8:45 a.m.)

The following candidates were interviewed:

George Ehrhardt, Moorings Bay Special Taxing District

William MacIlvaine, Planning Advisory Board

Carol Lynn Kendall, Planning Advisory Board and Code Enforcement Board

Terry Green, Code Enforcement Board

Key Charles Pittman, General Pension Board

Murray Hendel, General Pension Board

William Kroeschell, Moorings Bay Special Taxing District

Daniel Spina, Moorings Bay Special Taxing District

These interviews were interspersed throughout the meeting.

.....ITEM 6
REVIEW OF ITEMS ON THE 3/3/99 REGULAR MEETING AGENDA (8:50 a.m.)- Item

5-b(3) (Celebration Community Church Easter Service) Vice Mayor MacKenzie asked that this item be removed from the Consent Agenda for separate discussion. **Item 11 (Addition of a “Residential Impact Statement” to the Code of Ordinances)** City Manager Richard Woodruff indicated that this item had been withdrawn for further City Attorney review. **Item 12 (Consideration of an amendment relating to professional services rendered at the Wastewater Treatment Facility)** Council Member Herms asked that utilities staff be present for this discussion. **Item 13 (Consideration of a three-year contract with Law Enforcement System, Inc. for collection of unpaid parking tickets)** Vice Mayor MacKenzie inquired about

the applicable improvement percentage once a project begins and whether the company sells any information it gathers to any other organization. **Added Item 18** (Resolution regarding the Sheriff's budget funding). **Added Item 19** (Resolution relating to a joint City/County issue). **Added Item 20** (Payment approval for the contractor at the Wastewater Treatment Facility). **Added Item 21** (Approval for a 10th Street North sidewalk project). **Added Item 22** (Special event request for dancers and bagpipe players at McCabe's Pub).

BRIEFING BY CITY MANAGER (9:09 a.m.)ITEM 5

City Manager Richard Woodruff indicated that the funding for the Naples Fishing Pier renovations would come from the Tourist Development Tax and that the eastern segment will remain open during the project. He added that the beach rock removal project by Cadenhead Construction is proceeding, and that Dr. Jon Staiger, Natural Resources Manager, will present an update on the pilot areas that have been excavated offshore at a future workshop. Dr. Woodruff noted that he and other staff members had been monitoring Third Street and Fifth Avenue for noise, and that no violations had been found to date. He stated that he would continue this monitoring and issue citations if applicable. Dr. Woodruff relayed that staff is presently varying the pressure levels of the Naples Depot whistle and recording noise levels from various locations; staff will present the results to Council when testing is complete. He added that staff is also following up on the noise complaint aired at the recent Town Hall Meeting in Lake Park relative to a restaurant adjacent to residential properties; the restaurateurs have agreed to change hours for removing trash and to relocate employee parking where possible. Dr. Woodruff stated that the ficus trees on Seventh Avenue North have been trimmed and noted a recent staff directive that City vehicles may not be driven on Seventh except for business in Lake Park. He then confirmed that a public records discussion requested by Council Member Herms would be presented at the March 15th Workshop. Dr. Woodruff noted that a pavilion would be installed at Naples Landing shortly and added that when this project is completed, another contractor would install the sidewalks that emanate from the pavilion as well as additional ones in the northern section of the park. Later this year the northern and southern sides of the park will be connected with a joint access aisle which will aid traffic flow. Dr. Woodruff stated that all lights have been installed on the Broad Avenue and Third Street Assessment District, however, Bentley Electric is scheduled to work on several that are not yet functional. He added that lights are currently being installed on 12th, 13th, and 14th Avenues. Dr. Woodruff then referred to the shooting on Third Street, and conveyed that the City has increased the police force in the area. He added that the City's policy relative to police presence is incident staffing to provide additional coverage during times of greater need. In response to Council Member Herms, he added that he would provide at the March 3rd Regular Meeting an analysis of the number of police officers utilized at various times. He then noted that the Florida Department of Transportation is currently performing storm drain repairs at US 41 North. In response to Mayor Barnett who questioned the installation of mast arms, Dr. Woodruff noted that after Hurricane Andrew, the FDOT identified critical mitigation procedures and agreed that over the next five years, it will replace at least one intersection in town every year with mast arms. Dr. Woodruff explained that the project started at US 41 at Four Corners (Fifth Avenue South), proceeded to the corner of Golden Gate and US 41 and also that the mast arms will be installed as part of the US 41 Gordon River Bridge Project. Vice Mayor MacKenzie noted that some landscaping was damaged during these installations, and Dr. Woodruff stated that the contractor, Mid-Continent, would remit payment for the damages. Dr. Woodruff noted that due to the Clam Bay Restoration Project at Pelican Bay, Horizon Way would be closed periodically during the next week.

CORRESPONDENCE & COMMUNICATIONS (9:32 a.m.)

Council Member Tarrant noted a letter of concern from Jim Lenane regarding a proposed mulch site at the north end of the airport. Mr. Tarrant noted an instance wherein birds had flown into a jet engine causing a crash upon takeoff. City Manager Richard Woodruff stated that staff will consult bird specialists regarding this issue, and research the Federal Aviation Agency's role in certifying this kind of site near runways. Vice Mayor MacKenzie recommended repealing the supermajority ordinance; this item will be placed on the next advertised agenda (March 17th Regular Meeting). Council Member Coyle took exception to a remark by Vice Mayor MacKenzie alleging that three Council members vote as one and confirmed that he always votes according to conscience and makes reasoned decisions. Council Member Tarrant noted also, in terms of the supermajority, that if the second Gordon River Bridge is built at the Central Avenue location, the airport property which had been considered for annexation would contain an extremely busy roadway directly increasing intensity. Vice Mayor MacKenzie noted that although the bridge has not yet been sanctioned, the road on the airport property had already been approved; however, she explained this still does not affect building height, density, or parking requirements. Council Member Herms questioned whether this roadway was indeed already approved; Dr. Woodruff stated that he would confirm the record to be certain.

Recess 10:04 a.m. to 10:26 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

OVERVIEW OF THE STAFF ACTION COMMITTEE (10:26 a.m.).....ITEM 7

Planning Director Ron Lee presented to Council a brief overview of SAC's major functions which include review of new projects, review of exterior improvements, allocation of parking on Fifth Avenue, and management of public space. He added that SAC meets weekly for a total of approximately six hours per month. Council Member Tarrant praised SAC for its work but stated that he felt it was nevertheless appropriate to dissolve the committee. Council Member Van Arsdale disagreed, pointing out that SAC helps maintain focus on this redevelopment area on a weekly basis. Council Member Nocera agreed and added that he feels SAC eliminates potential problems for Council. Vice Mayor MacKenzie proposed term limits for the appointees. Council Member Herms stated that he felt that the elected officials, not SAC, should make decisions relative to Fifth Avenue. City Manager Richard Woodruff, however, proposed that Council look at SAC's responsibilities and decide which of them it would like to assume; specifically, he suggested the distribution of alcoholic beverage licenses and parking allocation. He recommended that SAC retain the remainder of its duties. Vice Mayor MacKenzie urged coordination between SAC and the Community Services Advisory Board relative to special events in Cambier Park. In response to Council Member Nocera, Dr. Woodruff said he would not advise creating a committee for district administration at this time.

It was the consensus of Council to retain the Staff Action Committee. Council will, however, consider legislation to effect term limits for SAC members and to require Council approval of alcoholic beverage license distribution and parking allocation, as well as coordination between SAC and the Community Services Advisory Board relative to special events in Cambier Park.

Recess 11:01 a.m. to 11:08 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....ITEM 4

DISCUSSION REGARDING A FUELING SITE AND OTHER IMPROVEMENTS IN THE SOUTH NAPLES BAY AREA. (11:08 a.m.) Council Member Coyle stated the issue of

creating a fueling dock in the south portion of the Bay has been important since the closing of the Keewaydin fueling facility. This present discussion was triggered by Council's recent action to rezone nearby property to comply with the City's Comprehensive Plan. He relayed that Council had at that time asked him to pursue an agreement for both a fueling facility and a loading facility at Bayview Park. He said that he met with Collier Enterprises (the owner of the property surrounding Bayview Park) over a several month period and stated that he wished to present the results of these meetings to enable Council and the County Commissioners to determine the appropriate course of action. Mr. Coyle then presented a series of overhead slides to illustrate the current problems on the bay including the increasing traffic which he proposed could be alleviated by the proposed fueling station. He added that a loading dock would relieve pressure on Naples Landing and provide a more convenient access for projects in the southern bay as well as eliminate the need for barges. He further proposed expanded parking facilities and the transfer of property ownership south of Bayview Park to the Naples Land Preservation Trust for environmental protection. In exchange, Mr. Coyle stated that Collier Enterprises wished to construct a marina and a dry boat storage area, though he stressed these facilities would not be visible from the channel or from Port Royal.

George Varnadoe, attorney for Collier Enterprises, explained that this project could be mutually beneficial and presented information on the public benefits of what he called Hamilton Harbor. These include a public fueling facility serving Naples Bay, a permanent landing facility, reduction of traffic, additional public boat trailer parking and preservation of shoreline and important archaeological sites. He stated that he felt the project could be described as a combination of development and conservation.

Alan Reynolds, President of Wilson, Miller, Barton, and Peek, identified three primary goals for the planning of the property which include minimizing environmental impacts, insuring compatibility with the residential character of south Naples Bay, and accommodating public benefits as mentioned above. He said the facility would contain 36 wet slips in a two-acre basin and a 450-space dry storage building. He added all of the proposed buildings would comply with the City's building and height restrictions and that one would contain a small restaurant, retail space, and a dockmaster's office. He also stated that 100 acres would be preserved for mangroves, fresh water wetlands, and open waters and 14 acres would be preserved uplands, open space and buffers.

Attorney Varnadoe explained the differences between the formerly proposed Sabal Bay project and the project under consideration. He clarified that the marina aspects of Sabal Bay were intensive and would have included a large horseshoe channel, 600 wet slips, 200 dry slips, hotels, and resort facilities. He added that Hamilton Harbor would be just 20% of the size of Sabal Bay and that the wetland and archaeological impacts would be substantially reduced. He stressed that Hamilton Harbor would have minimal impacts on the community but would provide meaningful public benefits.

City Manager Richard Woodruff stated that zoning approval and a small-scale comprehensive plan amendment would be necessary for this project. He reminded Council that part of the project is in the County, therefore, the Board of County Commissioners would be involved in the zoning changes. He then illustrated the steps for the approval process which include the creation

a City/County interlocal agreement, the submission of petitions by the developer, followed by Planning Advisory Board and Council review, the County Commission review, and the Regional Planning Council review. He also explained the proposed time line for these actions and recommendations which include authorizing the City staff to work with the Collier family to proceed with the development review process, urging the petitioner to expeditiously file the necessary applications, and contacting the developers of Keewaydin Island to determine the possibility of staying all current legal actions, pending the outcome of the petitions. Lastly, he noted that staff had recommended commending Council Member Coyle for his work.

Mayor Barnett praised Council Member Coyle for his efforts. Council Member Herms stated that he felt the support of the citizens would be the key issue in this project and that it is imperative to receive their input. Pamela MacKie, County Commission Chair, thanked Council Member Coyle for his leadership and stated that she would like to move forward with the project.

Public Input: 12:18 p.m. **Wheeler Conklin, representing Citizens To Preserve Naples Bay,** expressed appreciation for the presentation and stated that he favored meeting further with staff to explore the issue.

Council Member Van Arsdale proposed moving forward with staff recommendations. Council Member Tarrant expressed concern, however, that Attorney William Povlitz (who represents the City in Naples Landing litigation) was not present. Council Member Coyle therefore proposed including Attorney Povlitz in the third recommendation. Council Member Nocera voiced approval for both the fuel dock and the land trust. Council Member Herms asked that, relative to the first recommendation, that the Citizens to Preserve Naples Bay, the Port Royal Property Owner Association, and other interested property owner associations be included in the discussions. Vice Mayor MacKenzie commended Council Member Coyle and stated that she would like further details. Council Member Tarrant however stated that he would like input from affected residents before moving forward with the project. Dr. Woodruff explained that in the next several weeks, staff will meet with as many groups as possible to inform them of the project.

It was the consensus of Council to proceed with staff recommendations with the following stipulations: include in discussions the Citizens to Preserve Naples Bay, the Port Royal Property Owner Association, all other interested property owner associations, and Attorney Povlitz, who represents the City in litigation regarding Naples Landing.

OPEN PUBLIC INPUT

None. (12:39 p.m.)

ADJOURN
12:39 p.m.

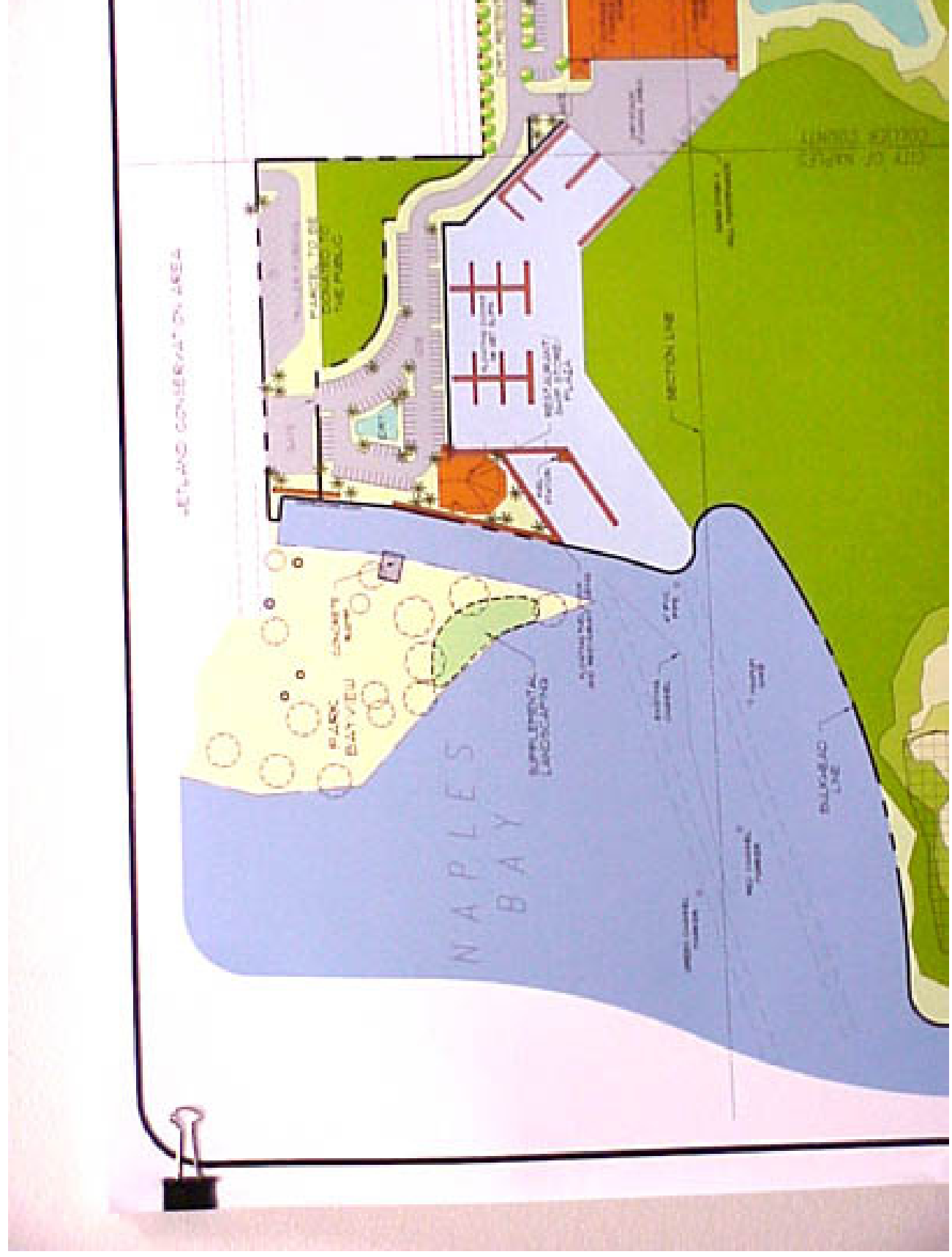
Bill Barnett, Mayor

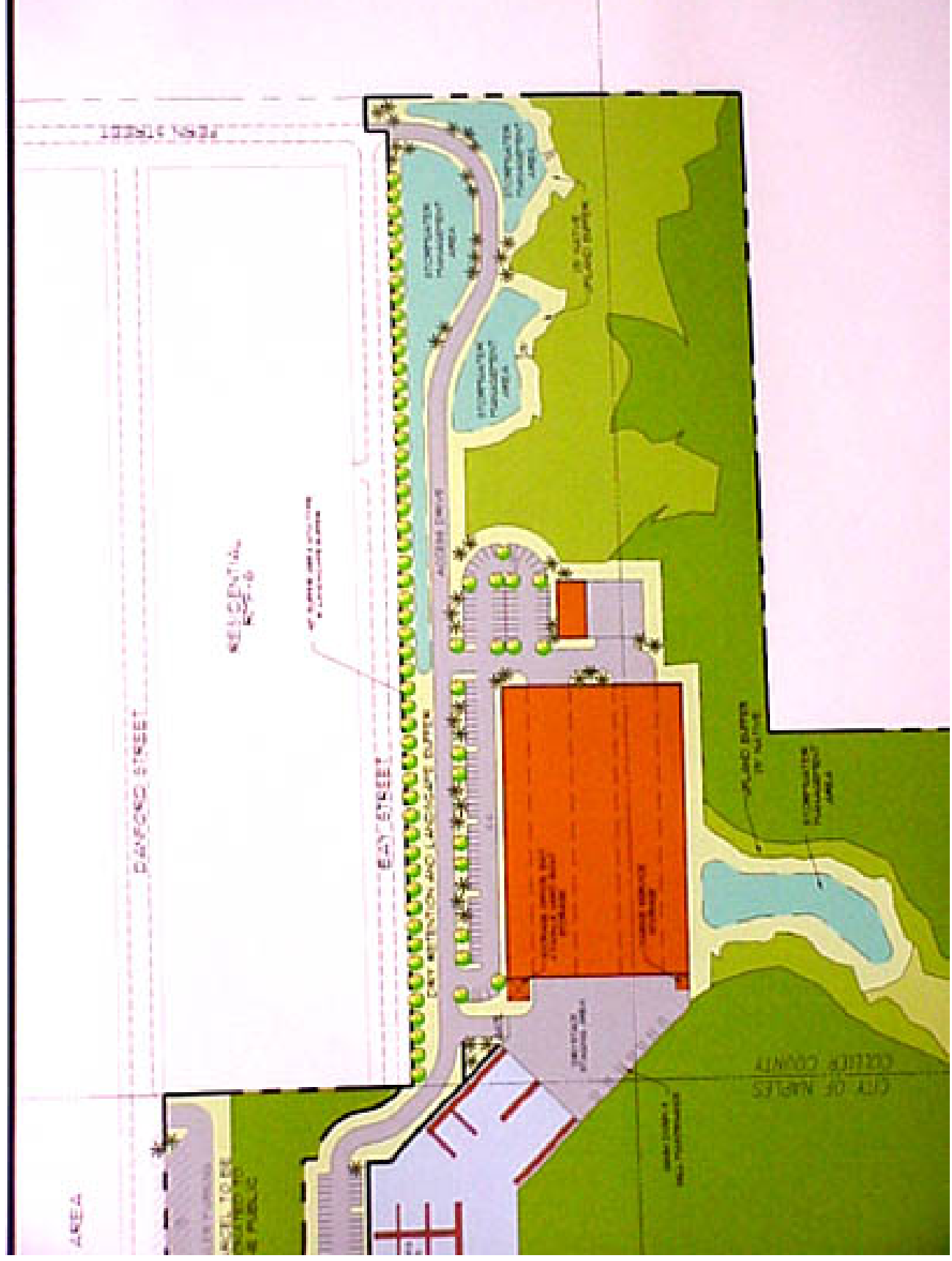
Tara A. Norman, City Clerk

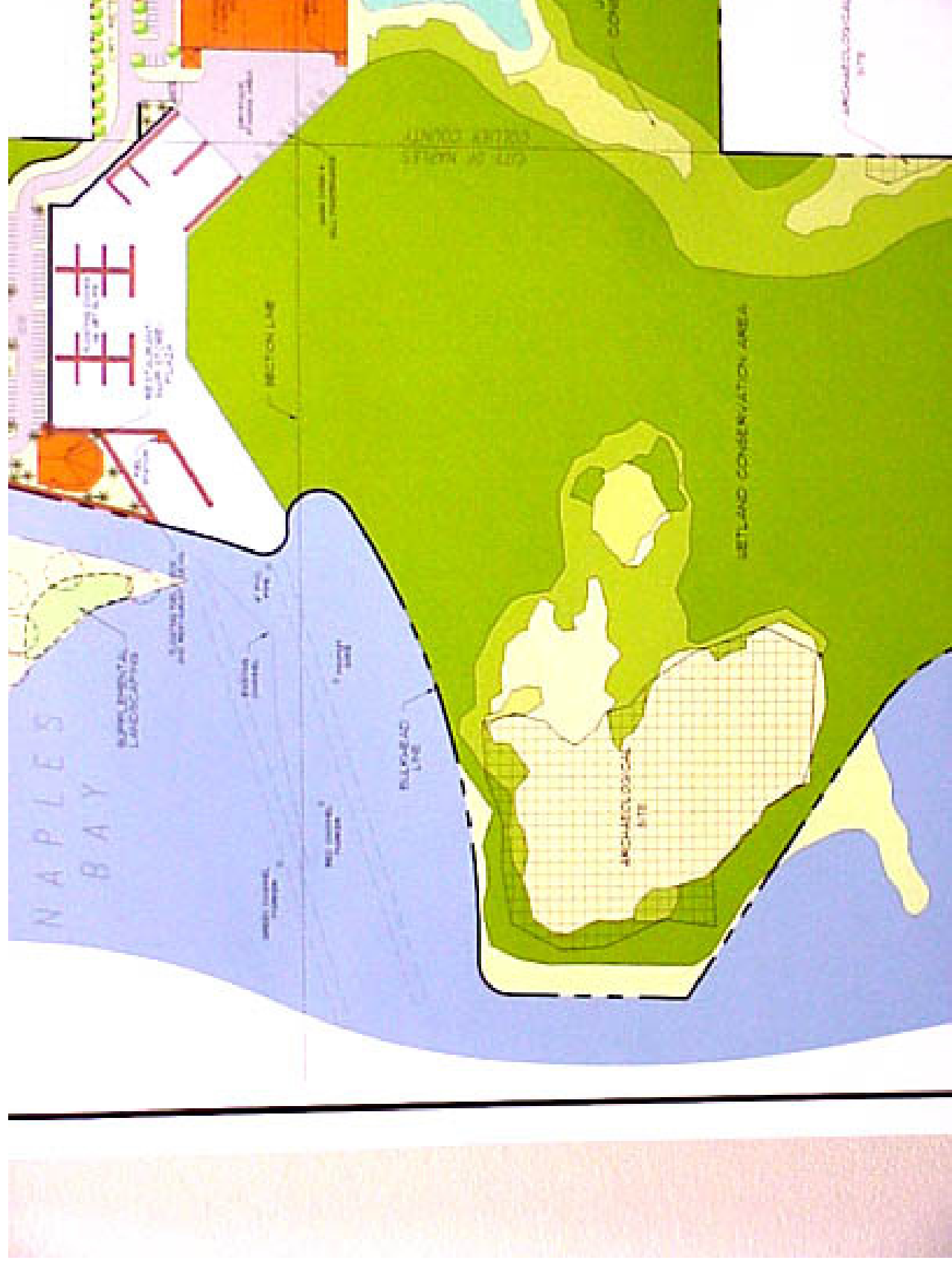
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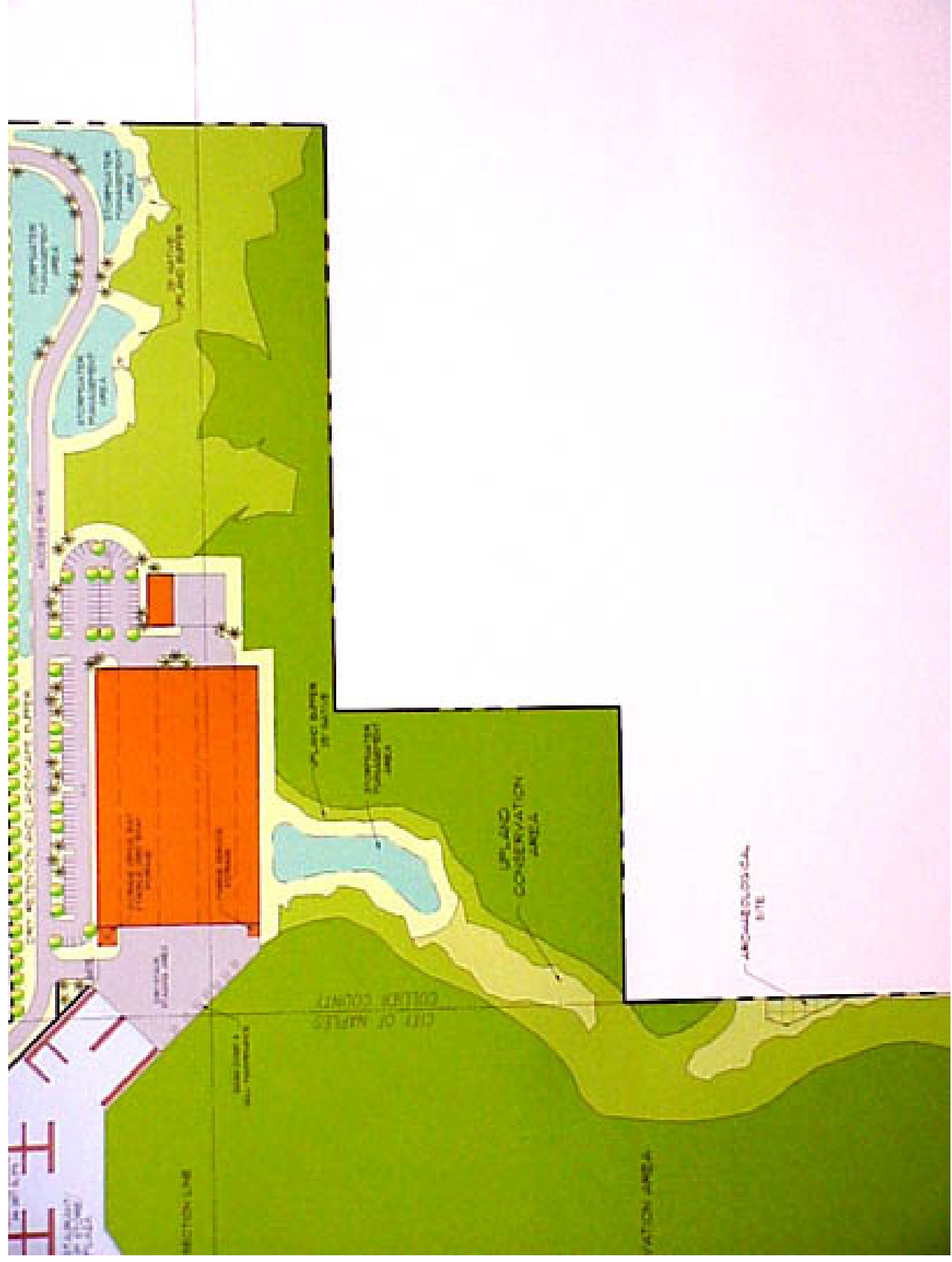
Jessica R. Rosenberg, Recording Specialist

Minutes Approved: 3/17/99.



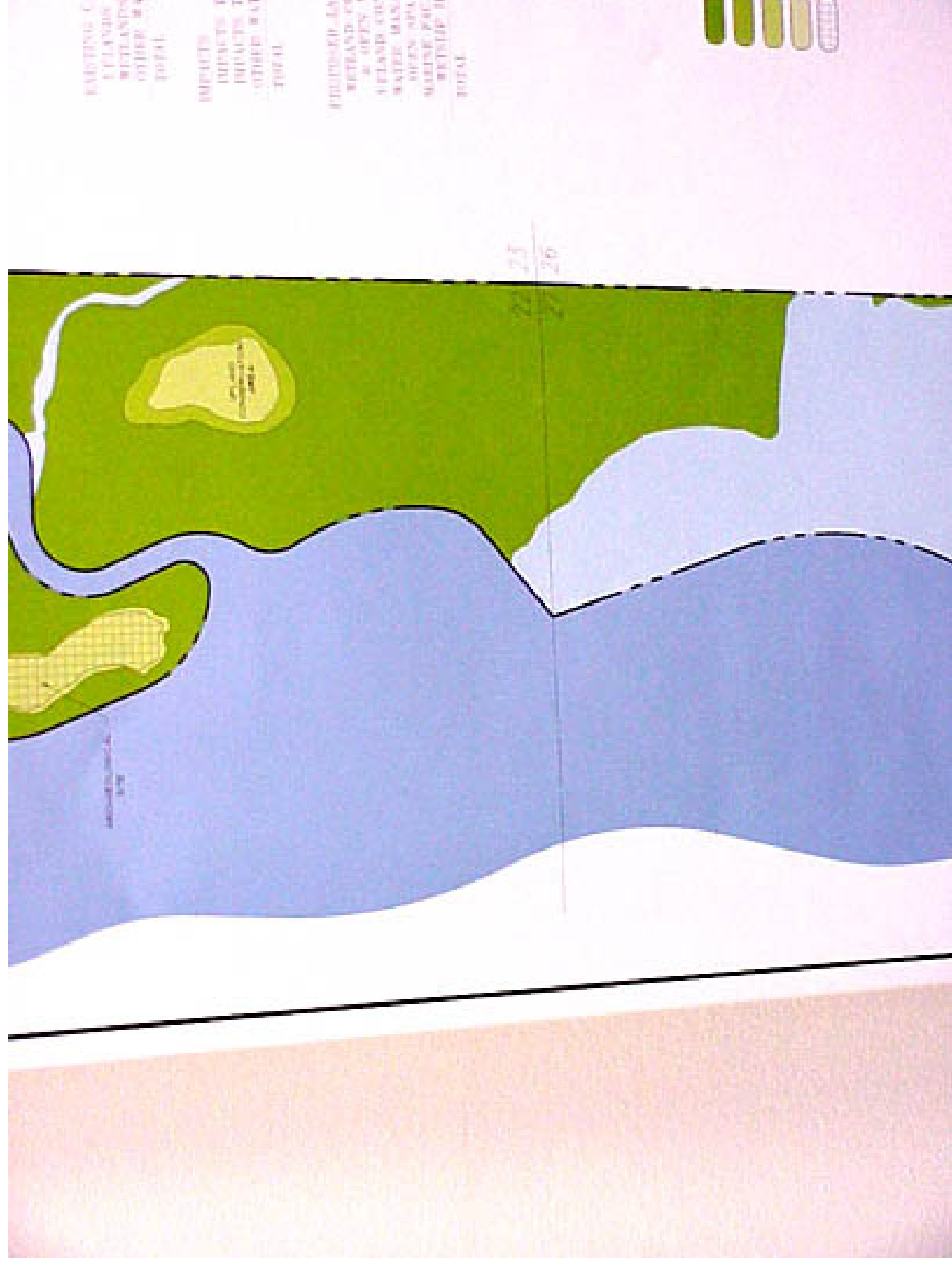










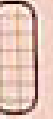






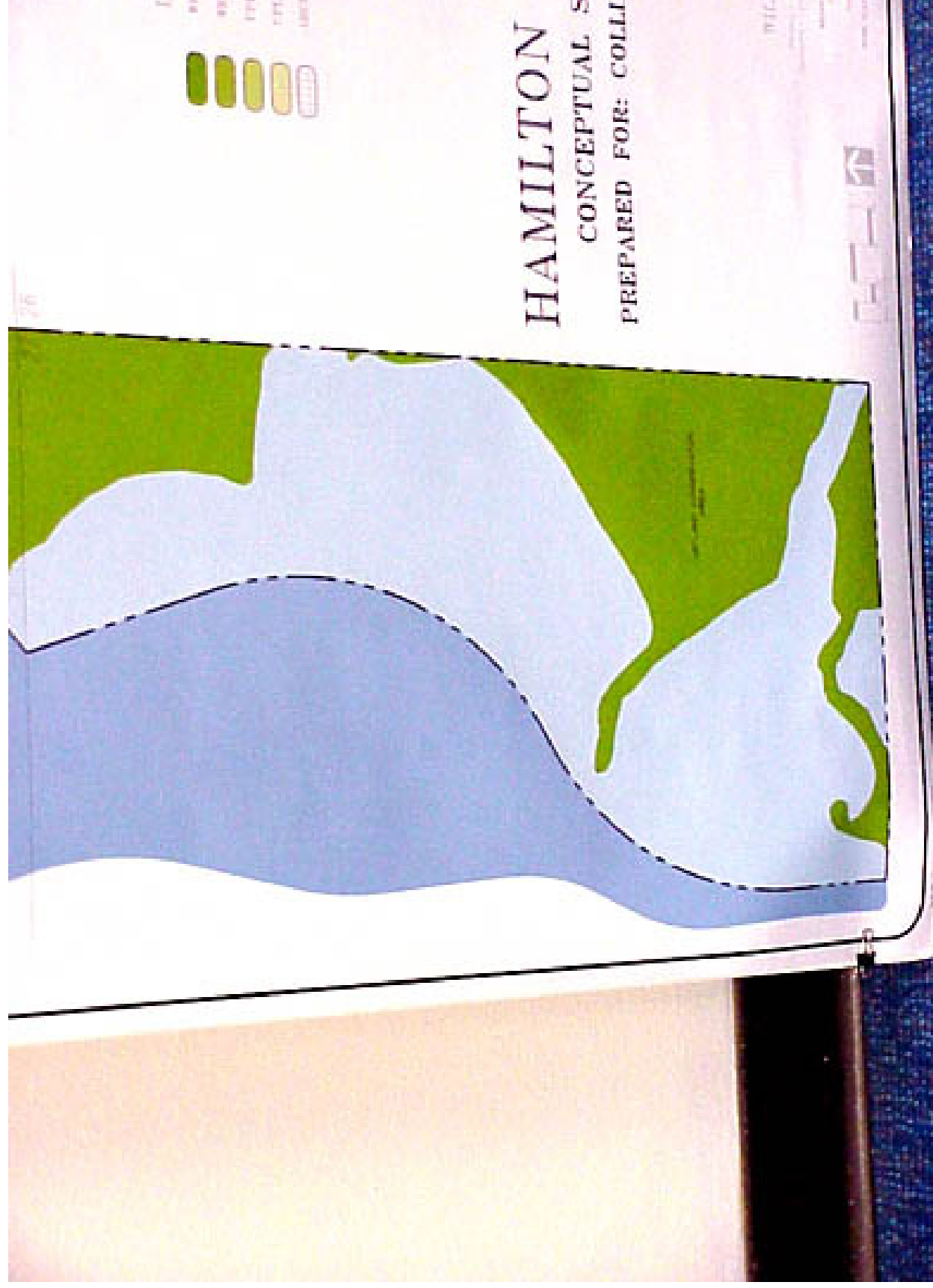
OPEN SPACE/DIFFERED MARINE FACILITIES & WETSLIP HARBOR	10.0	0.5
TOTAL	124.3	100.0

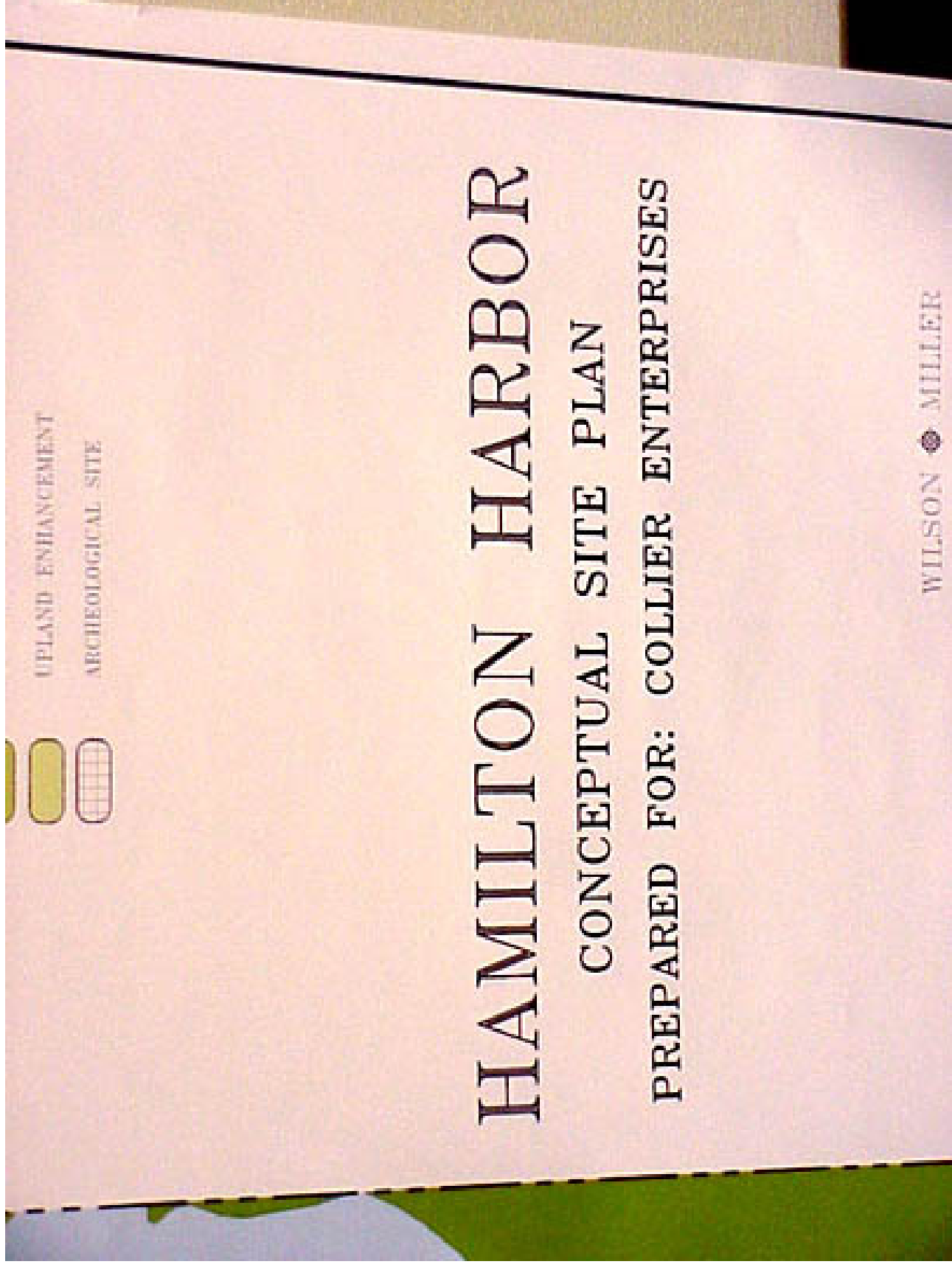
LEGEND

-  WETLANDS PRESERVE
-  WETLAND ENHANCEMENT
-  UPLAND PRESERVE
-  UPLAND ENHANCEMENT
-  ARCHEOLOGICAL SITE

23

26





LAND USE SUMMARY

EXISTING CONDITIONS	ACREAGE	% OF TOTAL
UPLANDS	10.1	14.6
WETLANDS	74.5	59.9
OTHER WATERS	31.7	25.5
TOTAL	124.3	100.0
IMPACTS	ACREAGE	% OF TOTAL
IMPACTS TO UPLANDS	10.2	65.8
IMPACTS TO WETLANDS	5.2	33.6
OTHER WATERS	0.1	0.6
TOTAL	15.5	100.0
PROPOSED LAND USE	ACREAGE	% OF TOTAL
WETLAND CONSERVATION & OPEN WATER	100.3	80.1
UPLAND CONSERVATION	7.9	6.5
WATER MANAGEMENT/ OPEN SPACE/BUFFERS	6.1	4.9
MARINE FACILITIES & WETSLIP HARBOR	10.0	8.5
TOTAL	124.3	100.0





