



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – November 1, 1999 – 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 (arrived 8:43 a.m.)  
John Nocera  
Fred Tarrant  
Peter H. Van Arsdale

**Also Present:**

Richard L. Woodruff, City Manager  
William Harrison, Assistant City Manager  
Ron Lee, Planning Director  
George Archibald, Traffic Engineer  
Jon Staiger, Natural Resources Manager  
Virginia Neet, Deputy City Manager  
Robert Devlin, FEMA Coordinator  
William Overstreet, Building Official  
William Taylor, Plan Examiner  
Richard Gatti, Development Svs. Director  
Ann Walker, Planner  
Jessica Rosenberg, Recording Specialist  
Laura Roys, Administrative Specialist  
Arlene Guckenberger  
Cheryl Coyle

Burton Binder  
Abe Skinner  
Art Jacob  
Tom High  
Charles Thomas  
Stephen Tilbrook  
Van Rankin  
Pat Distasio  
Other interested citizens and visitors

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

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**BRIEFING BY CITY MANAGER (8:30 a.m.) .....ITEM 3**

City Manager Richard Woodruff read into the record a letter regarding his resignation from City employment (see Attachment 1).

**ITEMS TO BE ADDED (8:34 a.m.).....ITEM 2**

Assistant City Manager William Harrison noted that under the City Manager's briefing, there would be a discussion of the possible acquisition of the Fleischmann property on the corner of Fleischmann Boulevard and US 41; the lighting at the new Mobil Station on Central Avenue; and a proposed awning at the Wynn Building on Fifth Avenue South. In addition, he stated Item 7 would be a discussion on the impact of the Federal Emergency Management Agency (FEMA) maps.

**.....ITEM 5**

**DISCUSSION OF ROADWAY IMPROVEMENTS ON 12<sup>TH</sup> STREET SOUTH (TIN CITY) (8:40 a.m.)** Art Jacob, Manager of Tin City, commented on the street closure, then used overhead transparencies to illustrate the current appearance of Tin City's main entrance.

**It is noted for the record that Council Member Herms arrived at 8:43 a.m.**

He noted the poor appearance of the City right-of-way, and explained that he and the owners have had to place rocks on it in order to deter parking. He also noted the lack of curbing on the west side of the street, although no improvements are planned. Stating that Tin City is one of the City's primary tourist destinations, Mr. Jacob urged enhancements similar to those on nearby 6<sup>th</sup> Avenue South. Development Services Director Richard Gatti explained that there are 270 feet of unimproved roadway on the street, and that the proposal under consideration is to install vertical face curb and gutter to improve its appearance as well as to provide appropriate areas for landscaping. He explained that the entire project including the asphalt and the five proposed street lights would cost approximately \$25,000.00. Council Member Van Arsdale urged continued access from US 41 and appropriate areas for green space. Vice Mayor MacKenzie proposed that staff also investigate enhancements for 11<sup>th</sup> Street South.

*It was the consensus of Council to authorize staff to implement improvements on 12<sup>th</sup> Street South to the same standards as roadway development on 6<sup>th</sup> Avenue South, with a not-to-exceed figure of \$25,000.00. Work will include curbing, landscaping, and street lights. Council directed staff to retain the green space between the street and the sidewalk on the west side of the street. In addition, Council directed staff to review necessary improvements on 11<sup>th</sup> Street South, develop a project budget, and return to Council for authorization to perform additional work on that street.*

**.....ITEM 4**

**DISCUSSION OF CITY COUNCIL POLICY REGARDING SPECIAL ASSESSMENT**

**DISTRICTS (9:00 a.m.)** Collier County Property Appraiser Abe Skinner distributed material indicating property sales data for the Downtown Redevelopment Area for the last three years, a copy of which is contained in the City Clerk's Office in the file for this meeting. He then pointed out the yearly increase in the taxable property values of this area. Assistant City Manager William Harrison explained that the Tax Increment Financing District was authorized under State law for a period of 30 years, and agreed that the percentage increase in TIF funds is dramatic. Mr. Skinner then stated that there are three variables he considers to arrive at assessed value for income producing property: the market, the replacement cost, and the income derived from that property. He further stated that should a property owner fail to furnish the actual income report, staff will develop a typical income model. Mr. Skinner then explained that while

his office correlates the three values, each property is examined individually in developing the yearly capitalization value. Council Member Van Arsdale questioned whether a property owner can appeal an adjustment; Mr. Skinner stated that since each property is unique, he encourages owners to visit his office and present their cases. Council Member Tarrant asked whether TIF funds could be used for the new River Park Community Center; Mr. Harrison stated it is possible as the facility is in the district and the renovation would indeed constitute a public improvement. Mr. Skinner confirmed that he could supply an analysis of the valuations in the various zoning districts in the redevelopment district upon Council request.

**Public Input:** 9:25 a.m. **Charles Thomas, 365 Fifth Avenue South, Suite 201**, President of the Fifth Avenue South Association, urged that should Council decide to abolish the existing assessment districts, that it be done uniformly throughout the entire redevelopment area. He recommended that the City either repay assessments within the Fifth Avenue District or allocate those funds annually for public improvements. He also suggested allocating a portion of the current overall TIF budget for public improvements to the Fifth Avenue District.

Because Council determined that additional in-depth discussion was needed, the item was continued until later in the meeting. (See Page 6).

.....**ITEM 3**  
**BRIEFING BY CITY MANAGER – MOBIL STATION** (9:31 a.m.) Planning Director Ron Lee explained that he and the Mobil representatives had resolved various issues such as the landscaping, the canopy fascia, the canopy support, the canopy columns, emergency generator, and the fact that brick pavers would not be used. He added that the one remaining issue is the lighting under the canopy. Based upon Mobil's presentation at the Planning Advisory Board meeting, staff interpreted that the lights would be recessed, he said. Although plans submitted indicate recessed lighting, the lens in fact is mounted flush with the canopy deck. Therefore staff has not been able to determine whether the light meets the intent of Council's approval. Petitioner's attorney Steven Tilbrook stressed that the light fixture is recessed within the canopy. Field engineer Van Rankin explained that the lens is designed to keep insects out of the canopy and to facilitate bulb changing. Vice Mayor MacKenzie noted for the record that it was Council's intent in this regard to ensure that the lighting would be directed downward, and not horizontally into oncoming traffic.

*It was the consensus of Council to approve the flush mounted lens for the pump canopy for the Mobil Station on Central Avenue; Mobil representatives confirmed the facility would be open the third week in November with the emergency generator in place.*

.....**ITEM 3**  
**BRIEFING BY CITY MANAGER – FLEISCHMANN PROPERTY** (9:41 a.m.) Assistant City Manager William Harrison explained that the site, at the corner of Fleischmann Boulevard and US 41, is one of the last remaining undeveloped properties in the community and that Council had previously directed staff to investigate the possibility of acquisition. Mr. Harrison then stated that because the City's law firm has a conflict on this issue, staff is requesting authorization to secure outside counsel. Attorney George Varnadoe, representing the property owner, explained that the intent is to enter into a contract with the City contingent upon the approval of a bond referendum on the February 1<sup>st</sup> election ballot. He added that should the referendum fail, a developer's agreement and mitigation plan would be presented to Council to provide for an alternative. Council Member Coyle cautioned that Council concurrence would indicate it is willing to consider the developer's plan in order to not unduly delay the property

owner; however, Vice Mayor MacKenzie received confirmation that the City would not be consenting to a plan that it had not yet reviewed. Attorney Varnadoe explained that the concept was to proceed on parallel tracks so that if the referendum fails, the property owner can then sell the property to another. Council briefly discussed obtaining the required appraisals for the property.

Planning Director Ron Lee stated that the entire parcel is approximately 10 acres, and that about two acres is comprised of scrub oak which is a habitat of special concern as identified in the Code of Ordinances. He added that development of the property would require Development of Significant Environmental Impact (DSEI) approval. Natural Resources Manager Jon Staiger explained that the trees being centrally located on site would pose difficulty in development requiring mitigation.

Council briefly discussed retaining outside counsel, and Council Member Tarrant suggested an out-of-county law firm. Mr. Lee noted that the City received a State grant for the Chlumsky property, and suggested applying for grant funding in this case.

*It was the consensus of Council to authorize staff to retain an attorney to provide legal advice relative to the Fleischmann property. In addition, Council authorized staff to apply for a Florida Communities Trust Grant jointly with the County.*

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**Recess 10:06 a.m. to 10:19 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.**

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**Open Public Input:** 10:19 a.m. **Burt Binder, 1155 Fourth Street South**, read a letter into the record (See Attachment 2) noting that his copyrighted plans had been used to design residential units at the Old Naples Seaport, although he is no longer associated with that project. He therefore urged that Council not proceed with the rezoning until such time as the owners submit their own proposed site plan, architectural drawings, and other required information.

.....**ITEM 3**  
**BRIEFING BY CITY MANAGER – TIN ROOF AWNING AT THE WYNN BUILDING**

(10:24 a.m.) Planner Ann Walker explained that a restaurant owner in the new Wynn Building had requested permission for a tin roof awning structure that would mirror a canvas one currently in place at nearby McCabe's Pub. She added that such structures are semi-permanent with ground supports attached to the buildings. Ms. Walker then displayed images of the proposed structure, copies of which are contained in the City Clerk's office in the file for this meeting. She explained that although the Staff Action Committee (SAC) has conferred approval and Council had approved a SAC waiver, Building Official William Overstreet maintains a building code violation would occur and cautioned that allowing property owners to build what appears to be permanent structures on public rights-of-way may set an unwarranted precedent. Ms. Walker stated that the restaurant owner wants a metal awning due to the restaurant theme. Mr. Overstreet then stated that the type of wooden post proposed is not allowed due to fire code regulations. Council Member Van Arsdale contended that the proposal submitted is part of a thoroughly designed plan; however, Vice Mayor MacKenzie stated her preference for fabric.

**Public Input:** 10:35 a.m. **Pat Distasio, CEO Fifth Avenue South Association**, agreed that the awning is part of an overall plan, and although it is not easily removed as other awnings, it is nevertheless removable and reminded Council that it did approve the variance in materials at a previous meeting.

Council Member Van Arsdale proposed design alterations to enable the awning to meet the fire code and to be removed more easily. Plans Examiner William Taylor stated that McCabe's awnings had to be breakaway and removable because of its being directly in the path of an adjacent alley used by emergency vehicles.

*It was the consensus of Council (Herms, MacKenzie, and Coyle dissenting) to approve a tin roof awning on a restaurant at the Wynn Building, with the understanding that staff would work with the architect to ensure that it is removable.*

.....**ITEM 7**  
**DISCUSSION ON THE IMPACT OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS** (10:41 a.m.) FEMA Coordinator Bob Devlin noted that the most recent Flood Insurance Rate Maps indicate significant changes which would impact the community. He therefore presented a slide presentation to clarify current elevations, new elevations, and mandated height increases (copies of these images are contained in the City Clerk's Office in the file for this meeting). Mr. Devlin then reviewed specific examples of several City properties with flood zone changes. He noted that in most cases, a break in the continuity of flood insurance coverage would require the property owner to purchase insurance appropriate for the new flood zone elevation, which can be significantly more costly. He also reviewed new construction and tear-down/rebuild guidelines, which in some cases, include a prohibition against using fill for elevation, and requiring breakaway walls or pier columns. Council Member Herms cautioned that these new regulations would engender stilt homes. Council Member Coyle predicted that what he deemed arbitrary changes by FEMA would adversely change the character of many City neighborhoods. Council Member Van Arsdale questioned whether there were any properties that would not be impacted, and stated that the new FEMA regulations would compel property owners to demolish rather than remodel. Mr. Devlin however stated that if a house were built at the correct elevation for its flood zone, there would be no impact, barring a gap in insurance coverage. He added that the elevation certificate would be valid for the life of the structure, and that a property owner could make substantial improvements; however, stringent renovation regulations apply only to properties built below required elevation. Council Member Herms added that because some older properties are very small, it may be easier to tear down. Council Member Tarrant expressed dismay at FEMA's compulsory elevation and insurance regulations. Council Member Coyle noted that the City had retained a consultant to review the new maps for accuracy, and Council Member Herms proposed that the consultant also investigate beach renourishment to bring down the heights of homes. Council Member Van Arsdale requested that Mr. Devlin research whether other coastal communities had declined to adopt FEMA policies.

.....**ITEM 6**  
**REVIEW OF ITEMS ON THE 11/3/99 REGULAR MEETING AGENDA** (11:33 a.m.) – **Item 5-b (1) (Celebration Community Church services at Lowdermilk Park)** – Vice Mayor MacKenzie requested verification of the hours of the services. **Item 5-d (approve a design services contract and rank the top three construction risk management firms for the Cambier Park Bandshell)** – Council Member Herms requested that this item be removed from the Consent Agenda and discussed separately. **Item 5-e (award a bid for the rental of roll off compactors)** – Council Member Herms requested that this item be removed from the Consent Agenda and that representatives of Solid Waste explain the financial impact to the City. **Item 8 (consider vacating a 20-foot wide utility easement and accepting a replacement easement within the 700 block of 10<sup>th</sup> Street South)** – Vice Mayor MacKenzie questioned whether there

were plans available for the residential condominium building. Council Member Herms requested copies of the ordinances pertaining to the vacation and the present easement of this property. **Item 9 (consider a variance to permit a building height of 31 feet 8 inches at 3054 Gordon Drive)** – Vice Mayor MacKenzie requested a copy of Resolution 98-8252 referred to in the petition. **Item 11 (consider rezoning Parcel 7 adjacent to the Naples Airport from “R1-7.5” Residence District to “C” Conservation or “PD” Planned Development)** – Council Member Herms requested that Council receive backup materials on “C” Conservation zoning. **Item 13 (consider an amendment to the PD and approval of a residential impact statement for the Old Naples Seaport)** – Vice Mayor MacKenzie noted that she would request a continuance until the revised site plan and architectural elevations are available. Council Member Herms requested that staff provide the densities per acre of the surrounding multi-family properties. **Item 14 (consider providing early retirement incentives to members of the Police Officer’s Pension and Retirement System)** – Assistant City Manager William Harrison confirmed that this proposal complies with established City terms for other early retirement contracts; this is a one-time offer. **Item 15 (public hearing to consider the transfer of the cable television franchise from Media One to AT&T)** – Mr. Harrison stated the City’s cable franchise attorney, Adrian Herbst would be present at the meeting. **Item 18 (consider an Interlocal Agreement with the County and a contract with Parker Beach Restoration, Inc. for renourishment of Naples Beach)** - Mr. Harrison noted that Natural Resources Manager Jon Staiger would be present for discussion. Council Member Tarrant questioned whether the company holds a patent for the product. **Added Item 19 (entry sign for Aqualane Shores).** **Added Item 20 (cancellation of two electric vehicles currently on order)** – Council Member Nocera noted he would ask for a continuance to allow Ford Motor Company an opportunity to make a presentation. **Added Item 21 (settlement with State Contracting & Engineering Corporation regarding Cambier Park).** **Added Item 22 (request for reconsideration of the Development of Significant Impact and runway length extension at Naples Airport)** – Council Member Coyle requested that Council obtain from the Federal Aviation Administration (FAA) a definition of declared distance.

.....**ITEM 4**  
**DISCUSSION OF CITY COUNCIL POLICY REGARDING SPECIAL ASSESSMENT DISTRICTS** (11:45 a.m.) (Continued from Page 3.) Assistant City Manager William Harrison confirmed that the issue arose due to the fact that staff did not plan a special assessment district for the improvements on Sixth Avenue South. Council then directed staff to investigate other current projects, and to recommend an equitable assessment policy. Council discussed continuing the matter to the upcoming Regular Meeting.

**Public Input:** 11:47 a.m. **Tom High, 2599 13<sup>th</sup> Street North**, requested that Council determine a time certain for the discussion. He then requested that Council consider canceling the special assessment district established at Bayfront Marketplace.

*Council will discuss actual assessment policy at the November 3<sup>rd</sup> Regular Meeting at approximately 10:00 a.m.*

**CORRESPONDENCE & COMMUNICATIONS** (11:55 a.m.) .....

Vice Mayor MacKenzie noted that this is the 50-year anniversary of football at Naples High School and requested a proclamation; Mayor Barnett concurred. / It was the consensus of Council to authorize staff to explore the purchase of property at the corner of Seagate Drive and Crayton Road, and to bring options to Council. / Council Member Tarrant proposed that staff monitor the Naples Pier in order to prevent the abuse of birds; Council will request a report from staff as well as from The Conservancy of Southwest Florida. / Council Member Van Arsdale

requested that staff prepare a summary outlining the necessary steps to acquire a conditional use for staged entertainment; Planning Director Ron Lee will prepare this document. / Council Member Herms referred to a recent letter drafted by the Mayor to the County Commissioners relative to completing the beach rock removal project, and suggested that if the County does not respond, that Council conduct a Workshop Meeting with County officials. / He also noted he has received complaints of dust blowing across Goodlette-Frank Road from the horticultural landfill. In addition, he stated that the City or a private contractor is processing top soil on the horticultural site, and that City trucks are hauling it to the Pulling property on Goodlette-Frank Road; Assistant City Manager William Harrison stated he would research these allegations.

**ADJOURN** .....  
12:10 p.m.

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Prepared by:

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Jessica R. Rosenberg, Recording Specialist

Minutes Approved: 12/1/99















