



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – February 28, 2000 – 8:30 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bonnie R. MacKenzie, Mayor
Joseph Herms, Vice Mayor
Council Members:
Gary Galleberg
William MacIlvaine
Fred Tarrant
Penny Taylor
Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Ron Lee, Planning Director
Jon Staiger, Natural Resources Manager
Virginia Neet, Deputy City Clerk
Ann Walker, Planner
Jessica Rosenberg, Recording Specialist
Michelle Marzuki
Arlene Guckenberger
Bill Boggess
James Dean
Charles Kessler
Joseph Biasella
Charles W. Drake

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

Council to resume discussion of proposed topics for Workshop presentation.

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

Staff has begun removing debris found underwater near the Pier. / Community Services is investigating appropriate lighting wattages at Cambier Park. / Staff has begun installing high capacity water pumps at Port Royal in order to increase water pressure. / Council to review Building Preference Survey relating to selection of commercial buildings. / Meeting with South Florida Water Management District (SFWMD) re: Calusa Bay lakes currently set for March 13th Workshop. Staff to contact SFWMD regarding request to hold interim meetings(s) in Council chambers to allow access to amplification and recording equipment. / Consensus for a Workshop Meeting on Hamilton Harbor March 1st at 2:00 p.m. / Staff recently attended a State-sponsored marine mammals program. / City Manager recognition of staff who participated in recent fish kill cleanup.

.....ITEM 4

DISCUSSION OF RESIDENTIAL IMPACT STATEMENT REVIEW AND APPROVAL

PROCESS (8:50 a.m.) Planning Director Ron Lee explained that the purpose of the residential impact statement is to ensure that commercial land uses are compatible with residential, and described those activities that currently require filing. He then clarified the standards for compliance in terms of illumination, noise levels, landscape buffers, standard hours of operation, and appropriate mitigation. Mr. Lee added that for those operations after 9:00 p.m., there are additional requirements such as increased landscaping and noise management, and security personnel.

City Manager Kevin Rambosk noted that staff is currently investigating the existing noise ordinance as well as sound measurement techniques. Mr. Lee explained that many commercial activities that required only a building permit were significantly delayed by the necessity of the residential impact statement, and that Council had given staff direction at a prior Workshop meeting to expedite the process. He therefore proposed that the Building Department administratively approve a residential impact statement for a commercial development or commercial activity that requires a building permit only; that the Planning Advisory Board concurrently approve a General Development and Site Plan (GDSP) for a Highway Commercial project with a residential impact statement; and that Council act only on those residential impact statements requiring other Council approval such as commercial rezoning or conditional use.

Vice Mayor Herms voiced concern regarding the impact of cocktail lounge expansion on adjacent residential. Council Member Galleberg recommended that although many cases can be handled administratively, any significant commercial change should come before Council. Mr. Lee proposed that cocktail lounges and restaurants as well as extended hours permits require Council review. Council Member Taylor recommended that staff review the impact of automotive facilities on nearby residential even though they generally operate during daytime hours, and that they be handled on a case-by-case basis with Council approval. Additionally, Council Member MacIlvaine suggested review of businesses that begin operation very early. Mayor MacKenzie however cautioned against undue burden on commercial and instead recommended determining ways to allow residential and commercial to co-exist. Mr. Lee suggested that Council identify those types of businesses considered to have negative impacts on residential during normal business hours. Mr. Rambosk said that staff would draft appropriate ordinance revisions with further refinements as discussed. Council Member Galleberg recommended Council review of extended hours permits, staged entertainment, and any special or unusual circumstances that staff deems appropriate.

Staff will draft ordinance revisions to extend to restaurants or cocktail lounges, staged entertainment, and extended hours permits, and potentially add automotive facilities or other businesses considered to have negative impact on residential.

.....ITEM 5
REVIEW OF ITEMS ON THE 3/1/00 REGULAR MEETING AGENDA (9:35 a.m.)- Item 5-c (authorize a budget amendment to adjust the Naples Bay Account to the year-end audited balance) – Tarrant requested postponement until March 15th. Item 5-d (waive competitive bids and issue a purchase order for notebook computers for use by Police & Emergency Services) – Galleberg questioned why not competitively bid. Item 8 (amend Code of Ordinances to clarify procedures for review and approval of Residential Impact Statements) – City Manager Kevin Rambosk noted draft language to Council prior to the meeting. Item 9 (consider a variance and right-of-way vacation regarding property at 620 Sandpiper Street) – Galleberg questioned the direction shed moved. Added Item 10 (resolution clarifying the commercial building height charter amendment). Added Item 11 (special event permit request for bandshell and caravan entertainment on Fifth Avenue South). Staff will attempt to resolve date conflict with another event.

.....ITEM 6
DISCUSSION OF EXISTING CITY CODE PROVISIONS (CHAPTER 110-39) EXCEPTIONS TO BUILDING HEIGHT REQUIREMENTS (EMBELLISHMENTS) (9:41 a.m.) Referring to the recently approved commercial building height charter amendment, Council Member Tarrant stated that he believed all embellishments should be contained within the 42-foot limit. Council Member Galleberg however stated that the amendment specifies the height limit is to the peak of the roof. Council Member MacIlvaine questioned whether Council should, in fact, rescind the building height requirements exceptions. Vice Mayor Herms voiced concern that according to the exceptions, cupolas and dormers could be built to any height, and Council Member Taylor added that the exceptions are somewhat unclear and open to interpretation. Mayor MacKenzie noted the previous vote of Council on this item, and stated that Mr. Tarrant could request reconsideration. Council also briefly discussed the rebuilding of non-conforming structures. City Manager Kevin Rambosk suggested amending the ordinance to clarify these points, rather than reconsidering the matter. Vice Mayor Herms advised retaining that portion concerning single-family residence districts; subsequently, Council opted to rewrite the entire Code section. Council briefly discussed conferring vested rights to those new commercial projects that have already obtained a building permit. Planning Director Ron Lee suggested that Council seek advice from the City Attorney regarding Development of Regional Impacts, since they generally have a higher vesting status than any other type of land use petition.

Staff to draft revisions to eliminate embellishments from Section A.

CORRESPONDENCE & COMMUNICATIONS (10:04 a.m.)
Council Member Tarrant stated that he had previously requested that Council meet with the Royal Poinciana Golf Club Board of Directors to discuss and resolve potential issues relating to annexation. Because no consensus occurred on the matter, he stated that he has filed a public interest petition seeking a pre-litigation discovery. Council Member MacIlvaine stated that based on his investigations, does not agree that annexation would accrue to a \$750,000.00 benefit to the club. He clarified that most of the expense would be devoted to diverting stormwater away from City wells and into a proper location, and would benefit many entities including South Florida Water Management District (SFWMD), Collier County, the City, Moorings Park, and the Country Club of Naples as well as Royal Poinciana. Council Member Taylor proposed that the aforementioned entities then help to defray cost. Mr. MacIlvaine added that he believed it reasonable to perform intended road improvements to a newly annexed area in

order to enhance safety. Mr. Tarrant however stated that the agreement was approved without adequate information to the Planning Advisory Board or Council, and that there should have been public meetings to discuss the capital expenditures. Vice Mayor Herms stated that he believed it ironic that the stormwater would be routed through this area, and yet the club would be excluded from stormwater fees and suggested that Council may not have had adequate information. He requested staff to provide audiotapes of Council discussion of this item.

Staff to provide analysis of the \$750,000.00 outlay proposed for the Royal Poinciana Golf Club and audiotapes of Council discussions.

Recess 10:28 a.m. to 10:44 a.m. It is noted for the record that all Council Members were present when the meeting reconvened.

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RESUME DISCUSSION OF PROPOSED TOPICS FOR WORKSHOP PRESENTATION

(10:44 a.m.) Because of her experience serving on the Code Enforcement Board, Council Member Wiseman offered to identify those ordinances in the Code that require review and update. Mayor MacKenzie recommended that Council first review commercial zoning because of its applicability to the residential impact statement. Regarding downtown zoning setbacks, Vice Mayor Herms noted that although they are realistic along Goodlette-Frank Road, they are extremely limited on U.S. 41, and therefore recommended review. Council briefly discussed the imposition of time limits on Planned Developments. Vice Mayor Herms then stated he believed that the City Attorney should first determine the applicability of Section 82-5 of the Comprehensive Development Code, regarding the imposition of the strictest Code standards, prior to discussion of this issue.

Council Member Wiseman stated that the Old Naples Preservation Task Force had endeavored to create an urban design plan for Old Naples, and that although unsuccessful, had produced a number of good ideas and fostered community involvement. Noting the Comprehensive Plan requirement, she requested the consensus of Council to again move forward with this issue. Mayor MacKenzie suggested that the Old Naples Association (ONA) perform a survey regarding important design issues. Vice Mayor Herms however noted that he serves on the ONA Board of Directors and believes that, aside from the permitted heights of the new multi-family structures, residents are generally satisfied with the current standards. After further discussion, Council tentatively scheduled Town Hall meetings with ONA in November and January.

Regarding waterfront zoning and uses, Mayor MacKenzie noted the importance of including property owners in decisions. Council Member MacIlvaine stated that the Planning Advisory Board had dealt with this issue at length, and that he believed the waterfront property owners did not favor any of the proposed changes. Council discussed various ways to control traffic on the Bay, and decided to begin thorough review of the issue in August.

In terms of changes to Conservation zoning, Vice Mayor Herms raised the issue of prohibiting development of mangrove areas especially along the Gordon River. Planning Director Ron Lee explained that although there are conservation areas, there are also habitats of special concern which may not be designated conservation, and stated that Council should address both. Council Member MacIlvaine suggested prohibiting the rezone from conservation to Planned Development or any other category. Mayor MacKenzie proposed that the Natural Resources Manager provide an analysis of all conservation zoned areas and Vice Mayor Herms suggested legislating changes through a charter amendment. Natural Resources Manager Jon Stager briefly discussed conservation easements and the Naples Land Preservation Trust. Council will consider this item in depth in March or April.

City Manager Kevin Rambosk stated that the Code Enforcement Board would present an overview of issues relative to a residential maintenance code. Vice Mayor Herms advocated that Council also address the application of existing commercial building maintenance codes. Mr. Rambosk recommended starting by providing information about these codes to the public, and providing additional training to staff on citing violators. It was the consensus of Council to begin this process immediately. Council Member MacIlvaine then stated that the Planning Advisory Board is currently researching architectural standards; Council subsequently discussed the use of architectural review boards. Mr. Lee noted that First Reading of the proposed ordinances will be heard by Council at the May 3rd Regular Meeting. Council also addressed streamlining the process of building plan review.

Vice Mayor Herms urged that staff proceed with researching noise measurement technology so Council could formulate a new enforceable noise ordinance. Mayor MacKenzie noted a meeting with the Naples Airport Authority March 13th, its regularly scheduled quarterly session. The discussion will include proposed improvements to Airport Road and North Road. Mr. Herms also stressed the potential ban of Stage 2 jets.

Vice Mayor Herms requested the consensus of Council to direct the City Attorney to draft an aquifer protection ordinance that would allow the City to transcend municipal borders; consensus was shown on this issue. Mayor MacKenzie noted that she would invite Big Cypress Basin representative Clarence Tears to address Council in August relative to water supply. Council also briefly addressed traffic problems. Regarding the ethics ordinance, Mayor MacKenzie suggested that the City echo Collier County's requirement for lobbyists to register prior to speaking on behalf of organizations. Council Member Wiseman recommended determining a stricter standard for Council Members' financial disclosures. Regarding the Fleischmann property, Mayor MacKenzie noted that Community Services Director Don Wirth had recommended creation of a steering committee to draft a detailed development and operational plan. Council discussed directing the City Manager to appoint this committee.

Open Public Input: 12:58 p.m. **Charles W. Drake, 2647 11th Street North**, urged that the City address setback, drainage, and other violations at the Naples Mobile Home Park, which is a Planned Development. **Joe Biasella, 860 12th Avenue South**, stressed that Council address pending Naples Bay Project Committee objectives including anchorage, speed, and an additional enforcement officer on the Bay. Mr. Rambosk noted he would provide a timeline for presentation of these items, and stated he has authorized additional personnel to be reflected in the next fiscal year budget.

CORRESPONDENCE & COMMUNICATIONS (Continued) (1:17 p.m.).....
Council Member MacIlvaine noted complaint letters from residents who live near the Hilton Hotel on U.S. 41. Mr. Rambosk stated that staff has worked with them regarding noise, and would in the near future investigate appropriate screening. Vice Mayor Herms recommended bringing all concerned parties together at a public meeting to resolve difficulties.

ADJOURN
1:24 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Minutes Approved: 4/19/00