



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

Please Note:

Workshop series to review proposed charter amendments occurred on: 4/24/00, 4/27/00, 5/2/00, 5/4/00 and 5/5/00. Draft ordinances discussed are contained in the applicable files for these meetings in the City Clerk's Office. Charter amendment ordinances were heard on first reading 5/17/00, and second reading 5/31/00. Please refer to individual minutes for the above dates.

City Council Workshop Meeting – Reconvened Thursday, May 4, 2000 – 8:30 a.m.

Mayor MacKenzie reconvened the meeting and presided.

ROLL CALLITEM 1

Present: Bonnie R. MacKenzie, Mayor
Joseph Herms, Vice Mayor
Council Members:
Gary Galleberg
William MacIlvaine (left at 11:30 a.m.)
Fred Tarrant
Penny Taylor
Tamela Wiseman (arrived 8:38 a.m.)

Also Present:

Kevin Rambosk, City Manager
Beverly Grady, City Attorney
Ron Lee, Planning Director
Tara Norman, City Clerk
Dr. Jon Staiger, Natural Resources Mgr.
Jessica Rosenberg, Recording Secretary
Grace MacFarlane, Adm. Specialist

Charles Kessler
Ed Ruff
Clark Russell
Amy Rego
James Dean
Bill Boggess

Media:

AnneElena Foster

.....ITEM 2

DISCUSSION OF CHARTER AMENDMENT REFERENDUM LANGUAGE – CONSERVATION ZONING AND COMMERCIAL DENSITY/INTENSITY (Continued from 5/2/00)

Planner Ron Lee reported that, based on prior Council discussions, three items would be provided as soon as completed: 1) analysis of Coastland Mall and Grand Central station based on charter amendment criteria; and 2) projected site plan of Bayfront Marketplace using charter amendment standards. He also noted that Council Member Taylor had requested a determination of parking availability for residential units in existing buildings in the “D” Downtown zoning district; he said

that provided the grants on-street parking, there is a sufficient amount to allow second story residential on existing one-story buildings. Vice Mayor Herms contrasted this with commercial uses, one of which, he said, could absorb all available in a particular block.

Conservation Amendment

(It was noted that both Council Member MacIlvaine and Council Member Tarrant submitted suggested ballot language, both submittals being read into the record; see Attachment 1). City Attorney Beverly Grady then reviewed ballot criteria: maximum of 15 words for titles and 75 words for the body of the question. Each charter amendment must be placed on the ballot separately. No further explanations are permitted, she noted, and in order to withstand legal challenge, it is the Council's task to state as clearly as possible within these parameters the nature of the amendments. Council Member Tarrant took issue with there being no means to state within the ballot language that the amendments were intended to control over-development. Council Member Wiseman received clarification that the effective date of the ordinances is at passage, but that the charter revisions will not be effective until approved by the voters.

In response to Council Member Tarrant, it was also clarified by Vice Mayor Herms that the prohibition against parking garages would apply only to commercial, not residential, districts. Mr. Herms also indicated that conversations he had had with members of the public indicated that there could be some confusion if mangrove species were not specified in the ballot language rather than tidal swamps, marsh areas, etc. Council then further reviewed Mr. MacIlvaine's proposed ballot language. Revisions made at this meeting are embodied in the draft charter amendment ordinances considered by the City Council at the special workshop of May 5, and are contained in the file for that meeting in the City Clerk's Office. City Attorney Beverly Grady recommended that terms such as mixed-use and green space used in the charter amendments be defined.

Public Input: (9:25 a.m.) **Ed Ruff, 899 Tenth Street South**, noted various other regulatory agencies, such as the City, County, DEP, State and Federal Fish & Wildlife Conservation Commissions, and Army Corps of Engineers with which developers negotiate issues such as mitigation. However, with a charter amendment allowing the City no flexibility, a process which frequently takes years to accomplish with all other required regulatory agencies would be thwarted. Council Member Taylor observed that if a project is sufficiently worthy, it could go back to the people for approval. Vice Mayor Herms also noted that mitigation was being prohibited only in conservation vital lands; all transitional conservation where development is allowed may still utilize mitigation. Council Member Tarrant observed that easements granted to the Conservancy and South Florida Water Management District transecting mangrove areas along the Gordon River prevent extension of a right-of-way for a second Gordon River bridge at Central Avenue where residents feel such a bridge would destroy their property values. Absent this easement, he said, other review agencies would not have precluded bridge construction through their oversight. Mr. Ruff, however, contrasted a Gordon River bridge with the smaller pieces of property in individual ownership which would be impacted by the conservation charter amendment, and pointed out that the City's Code of Ordinances had evolved over many years and should not be changed on a global basis by a charter amendment. Mr. Ruff then disputed a comment by Council Member Tarrant regarding to the slowness of mangrove regrowth by indicating that mangrove trees he had planted in a project had required cutting within four years because they had grown to the height of the third story. Council Member MacIlvaine said that the Planning Advisory Board had been the impetus for mangrove mitigation in the Hamilton Harbor project, not the developer, and expressed the view that requirements are needed to slow development in conservation vital areas. Council Member Taylor said that based on consistent warnings from Dr. Bernie Yokel, an expert in the field, and removal of mangroves causes damage to the Naples Bay ecosystem. Council Member Tarrant then gave as another example of efforts to protect environmentally sensitive areas certain legislation passed in the

State of New York to protect Lake George from pollution caused by excessive building of camps and marinas on its shores.

Council then reviewed prior corrections to the conservation charter amendment ordinance. (For embodiment of changes, see drafts included in file for May 5, 2000, Special Workshop in the City Clerk's Office, said drafts marked as being revised on May 4.)

Parking Garage Amendment

Council then discussed the proposed ballot language submitted by Council Member MacIlvaine (see Attachment 1). Revisions made at this meeting are embodied in the draft charter amendment ordinances considered by the City Council at the special workshop of May 5 and are contained in the file for that meeting in the City Clerk's Office.

Public Input: (10:14 a.m.) **Clark Russell, 3005 Fort Charles Drive**, noted community input from businesses and residents on Fifth Avenue relative to construction of the parking garage which he said achieved a compromise between accepting a parking deck and fostering economic revitalization. He urged continued flexibility, noting a recent community character presentation showing how parking decks could be buffered to accommodate redeveloped smaller properties which, he said, could be applied to the 41-10 area.

Council discussed the issue of clarifying in the ballot language the fact that despite multi-level parking garages being prohibited, single story parking garages would still be allowed. City Attorney Grady noted that a right for a single story parking garage would not be eliminated merely by eliminating its prohibition. She also warned against specifying in the amendment the right to construct a single story parking garage which she said could yield unintended consequences in the future which she said is the reason for continuing to amend the land development code as those situations arise. Council Member Tarrant, however, stressed his position that wording should clarify that single story covered parking will continue to be allowed. Although it was suggested that an additional explanatory sentence be included, City Attorney Grady indicated that the ballot language must be one question which can be answered with either yes or no. She also recommended using the words parking structure which would cover parking decks and garages.

Council then reviewed prior corrections to the parking garage charter amendment ordinance. (For embodiment of changes, see drafts included in file for May 5, 2000, Special Workshop in the City Clerk's Office, said drafts marked as being revised on May 4.)

Public Input: (11:05 a.m.) **Ed Ruff, 899 Tenth Street South**, reiterated his prior cautionary statement that through charter amendments this Council would preclude future elected officials from taking actions they deem necessary. He asked whether, if none of the three charter amendments are approved by the voters, there is then a mandate for mitigation in conservation vital areas or multi-level parking structures or increased density and intensity in commercial areas.

Green Space, Lot Coverage, Density and Parking Amendment

Council then discussed the proposed ballot language submitted by Council Member MacIlvaine (see Attachment 1). Revisions made at this meeting are embodied in the draft charter amendment ordinances considered by the City Council at the special workshop of May 5 and are contained in the file for that meeting in the City Clerk's Office.

It is noted for the record that Council Member MacIlvaine left the meeting at 11:30 a.m.

Council then reviewed prior corrections to the green space charter amendment ordinance. (For embodiment of changes, see drafts included in file for May 5, 2000, Special Workshop in the City Clerk's Office, said drafts marked as being revised on May 4.)

CORRESPONDENCE

None.

OPEN PUBLIC INPUT.....

None.

RECESS.....

11:43 a.m.

Bonnie R. MacKenzie, Mayor

Minutes prepared by:

Tara A. Norman, City Clerk

Minutes approved: August 2, 2000

Charter Amendments

Requiring Green Space, while restricting Lot Coverage, Density and allowable Parking on Commercial or Mixed-Use property.

Shall the Naples City charter be amended to provide a minimum green space and a maximum lot coverage and parking requirement and restrict the maximum residential density on commercial and mixed use property and prohibit the City Council from relaxing these requirements?

Conservation Zoned Lands; Restrictions of Use, and the Prohibition of rezoning Conservation Vital lands or Mitigation.

Shall the Naples Charter be amended to restrict uses in Conservation Vital lands, including Marine Grass Beds, Tidal Swamps/Marsh Areas, Fresh Water Swamps/Marsh Areas, Class II Waters, Gulf Beaches/Dunes, and also establish density restrictions for residential uses in transitional conservation land districts and prohibit future rezoning of Conservation Vital lands and prohibit Mitigation?

Commercial Parking Garage Limitation

Shall the Naples City Charter be amended to prohibit multi-level parking structures in all commercial zoning districts, including Planned Development Districts, on parcels approved for commercial development or mixed use development?

May 3, 2000
Bill MacIlvaine

The following three amendments to the Naples City Charter are intended to control over development. If approved, they can only be changed through a future public referendum.

- a. Amendment prohibiting construction of multi-level parking garages within the City.
- b. Amendment prohibiting development – destruction or mitigation of land described in City Code as “CONSERVATION VITAL”.
- c. Amendment requiring all future commercial developments to dedicate a minimum of _____% on site for unpaved open space – landscaping.