



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – August 14, 2000 – 8:30 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALL ITEM 1

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

Absent: Council Member Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Beverly Grady, City Attorney
William Harrison, Assistant City Manager
Terry Fedelem, Parks & Parkways Supt.
Don Wirth, Community Services Director
Jon Staiger, Natural Resources Manager
Susan Golden, Planner
James Whittaker, Recreation Supervisor
Mary Gruszka, Recreation Supervisor
David Lykins, Recreation Manager
Jessica Rosenberg, Recording Specialist
Kelly Espinoza, Admin. Specialist
Grace MacFarlane, Admin. Assistant
Ron Pennington
Betty Pennington
Bill Boggess

Clark Russell
Andrea Clark Brown
James Dean
Alecia Dvorsky
Gil Erlichman
Frank Farren
Joy Lelonek
Lani Weston Overton
David Addison
Martha Dykman
Charles Brown
Arlene Guckenberger
Other interested citizens and visitors
Media:
Denes Husty, Naples News-Press

ITEMS TO BE ADDEDITEM 2

None.

BRIEFING BY CITY MANAGER.....ITEM 3

A recent Naples Preserve clean-up was noted; another is scheduled for August 19th; staff is scheduled to mow grass around former Chamber of Commerce building on the site this week. / The County Attorney requested an expansion of time until September 22nd to respond to the City's administrative hearing request on an ASR test well. / The City is currently negotiating with Wharton Smith on pending wastewater treatment plant litigation. / Staff and petitioner (see Item 9, 8/2/00 Regular Meeting) devised a revetment to permit a screen-enclosed pool; variance request to therefore be removed from 8/16/00 agenda.

.....ITEM 4

REVIEW OF ITEMS ON THE 8/16/00 REGULAR MEETING AGENDA (8:37 a.m.) Item 5-e (amendment to task order relative to construction of the wastewater treatment facility) – Tarrant requested removal from Consent Agenda. Item 12 (variance to permit a screen-enclosed pool) – To be deleted. Item 13 (bid and contract for improvements at the Port Royal water storage tank) – Continuance to September 6th. Item 18 (discussion of a previously approved Planned Development) – Staff to withdraw. Added Item 20 (nomination for the Great Floridians 2000 program).

.....ITEM 5

DISCUSSION OF FUNDING FOR PUBLIC FACILITIES (PARKS/RECREATION) CAPITAL PROJECTS (PURSUANT TO 7/31/00 BUDGET WORKSHOP) (8:40 a.m.)

Community Services Director Don Wirth provided a brief overview of the River Park Community Center reconstruction project noting that Scheme A would encompass 13,000 square feet at an approximate cost of \$1.7 million; Scheme B would encompass 19,000 square feet at an approximate cost of \$2.7 million; and Scheme C would encompass 29,000 square feet at an approximate cost of \$4 million. Although the previous Council had tentatively approved Scheme C, staff currently recommends a mixture of Schemes B and C, he noted.

Mr. Wirth then explained that two engineering studies of the Norris Community Center recommended renovations of \$1.1 million; because of years of deferred capital maintenance, the Fleischmann Park and Fleischmann Community Center need to be addressed and staff envisions other capital development such as new park amenities. Mr. Wirth also noted that the City had completed two attitude/interest surveys on Seagate Park, and that a citizen ad hoc committee was formed from three neighborhood associations. Staff subsequently generated a plan from the responses which Council later approved. Upon previous discussion, Council took the position that the Pulling property should be developed with non-motorized water-related activity only. Mr. Wirth added that there is a strip of land traversing the middle of the property, which had been reserved for a possible second Gordon River bridge. Council Member Tarrant however stated this potential would be moot upon the successful passage of the proposed conservation charter amendment.

City Manager Kevin Rambosk noted that the cost estimates presented were for the building shells only, and that any needed equipment or furnishings would emanate from the capital improvement budgets. Council thereafter requested in-depth overviews of several of the parks.

Referencing the Fleischmann Park and Community Center Master Plan, a copy of which is contained in the file for this meeting in the City Clerk's office, Mr. Wirth explained several of the needed proposed line items including parking, fencing, racquetball court relocation, football field reconfiguration, and lighting rehabilitation. Council briefly discussed expansion of the skate

park facility, and Mayor MacKenzie noted that former Council Member John Nocera had urged retention of a flat \$5 fee to encourage use. Recreation Manager David Lykins estimated a 60% County participation at all City park facilities; Council Member Tarrant urged that the County Commission fund a proportionate share of the park renovations. Council also briefly discussed the differential in park fees paid by City and County residents. Mr. Wirth then explained that staff is proposing removal of the gymnastics program from the center because of inadequate space, and constructing an annex to house it. Council Member Tarrant stressed that the park is a public playground and should not be fee-based; however, Council Member Taylor stated that the structured programs are popular and a boon to working parents. Vice Mayor Herms recommended that the annex and the expansion of the skate park facility be considered high priority because of their potential benefit to the community.

In 90 days, staff to provide overview of facilities and uses; Council to then review and approve general design concepts to enable staff to move ahead with funding and final design options.

Public Input: (9:50 a.m.) Alecia Dvorsky, 2331 54th Terrace SW, Director of Gymnastics at Fleischmann Park, stated that the annex is greatly needed due to safety issues and affirmed the program's benefit to the children in need of focus and discipline.

Mr. Wirth reiterated that after considerable community input, the Community Services Advisory Board, and the Collier County school administration each concurred with recommendations for Seagate Park which include a pathway system, racquetball court, landscaped entry point, park restroom, sand volleyball court, multiple use court area, regulation soccer field, relocation of fencing, frisbee golf course, and park furniture. He added that the school is in the process of constructing classrooms at the existing complex, and that the City must await confirmation of its site plans before renovating the area closest to the school. Mr. Wirth affirmed that the City would retain one light tower to provide adequate lighting for softball and soccer, and that the park closes at dusk. Council Member Galleberg stated that the proposed renovations are affordable, and that this should be a high priority project. Although urging that residents on the south side of the park be protected from noise in the evening, Council Member MacIlvaine stated that the neighborhood contains many children, and that renovating the park is essential.

Public Input: None. (10:04 a.m.)

MOTION by Herms to AMEND RATING OF THE SEAGATE PROJECT TO "PRIORITY A"; seconded by MacIlvaine and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-yes)

Public Input: (10:05 a.m.) Gil Erlichman, 290 Robinhood Circle, stated that he has played bridge at the Norris Community Center for 12 years. He however noted that the room has poor acoustics and that the space is inadequate especially when shared by other programs. He therefore urged renovation. Frank Farren, 400 Seventh Avenue South, stated that the Norris Community Center had not been renovated since 1990 and urged updating it with several items such as dressing rooms, an enlarged game room, and additional meeting rooms. Lani Weston Overton, 1451 13th Avenue North, voiced concern that the elderly people using Cambier Park must cross the street with no traffic light or pedestrian crossing. She also urged improved lighting and acoustics at this facility.

Recess 10:20 a.m. to 10:35 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Public Input: (10:35 a.m.) Joy Lelonek, 501 Goodlette Road, Apt. 210, Executive Director of the United Arts Council of Collier County, voiced approval for the proposed gymnastics annex and offered to assist City Council in the upgrading and renovating of all City parks.

City Manager Rambosk provided a historical background of the River Park Community Center noting that it is currently inadequate and requires improvement as soon as feasible. He reiterated that the previous Council had directed staff to research Scheme C, the largest and most costly, with the caveat to also identify adequate funding.

Mr. Wirth then explained that design Scheme A would contain large classrooms, a multi-purpose assembly, administrative offices, game room, computer lab, kitchen, playground, and weight room. He added that should the center retain the existing outdoor basketball pavilion, it would require capital maintenance. Scheme B would incorporate all the items in Scheme A with the addition of the library/heritage room, a water park facility, and dance studio. Scheme C would incorporate all the items in Scheme B with the addition of an indoor gymnasium, which would eliminate the existing outdoor facility, and additional outdoor park space. City Manager Rambosk stated that staff recommends Scheme A with the addition of several of the Scheme B components in light of cost and other considerations. He however stated that Council could later decide to expand the facility. City Manager Rambosk explained that staff's most important consideration was the impact to the residents who wanted to use the center for recreational activities; Council Members Galleberg and Taylor voiced approval for this direction.

Regarding proposed enclosure of the basketball facility, which City Manager Rambosk noted would dramatically alter the park's atmosphere, it was noted that residents indicated a preference that the park be open and accessible. Recreation Supervisor James Whittaker affirmed that the majority of neighborhood residents wanted the basketball pavilion open: enclosing it would curtail activities for children when the center is closed. He cautioned that children may later resent and vandalize the facility for this reason. Mr. Whittaker confirmed that Scheme A would provide adequate interior space, but that he prefers Scheme B because of the water park facility. He however stated that he did not favor the heritage center because of its being dedicated to a single purpose. Mr. Whittaker further added that should Fun Time Nursery be incorporated in the center, it would require a dedicated kitchen. Vice Mayor Herms voiced concern relative to a 50-foot yard in front of the building possibly collecting water. He also questioned the next phase of the renovation process; City Manager Rambosk stated that after funding is determined, staff would in approximately six months present to Council design plans and construction management agreements. Architect Andrea Clark Brown clarified the square footage of the lobby/reception area in each of the schemes, and addressed the computer lab. She then estimated the water park facility would cost \$100,000 for plumbing, maintenance, and implementation of new equipment, and \$50,000 for the additional restrooms.

Vice Mayor Herms pointed out that the proposed renovations for all the parks would cost approximately \$3 million. Council Member Tarrant questioned whether this could be financed by Tax Increment Financing (TIF) funds; however, Assistant City Manager William Harrison stated there are currently no TIF funds available. Mr. Harrison then stated that based on a \$7.5 million construction fund, there are several options including a property tax (referendum), a utility tax increase, a telecommunication tax, and a payment-in-lieu tax. Mayor MacKenzie cautioned against increasing the millage rate in light of recent increase in property assessments; the City also recently increased its water and sewer rates. She said she favored the telecommunications tax. Council Member Tarrant expressed support for Scheme A and urged moving forward. Vice Mayor Herms made a motion to select Scheme A with the pool facility improvements; however, further discussion ensued. City Manager Rambosk explained that staff had also supported the water park improvements and expansion of the landscaped park area in front of the building on 10th Street, but not the dedicated dance studio.

Public Input: None. (11:30 a.m.)

MOTION by Herms to SELECT SCHEME A WITH POOL FACILITY IMPROVEMENTS AND LANDSCAPED PARK AREA IN FRONT OF THE BUILDING ON 10TH STREET; seconded by MacIlvaine and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-yes)

City Manager Rambosk stated that within 60 days staff would present a construction management at risk contract to Council. Noting that the City currently has three projects underway with the same contractor, Vice Mayor Herms recommended combining the proposed projects and made a motion to approve the Fleischmann Park expansion at an estimated cost of \$700,000. Council Member Galleberg however pointed out that there are insufficient funds budgeted and that it is not a priority. There was no action taken on the motion.

Vice Mayor Herms voiced support for the proposed telecommunications tax to realize an estimated \$900,000 per year. Mr. Harrison addressed the bond issue, then explained that it is generally believed that telecommunications would generate 150% of current utility tax revenues. Council Member MacIlvaine explained that a 1 ½% City bed tax would raise \$998,988 per year; however, Mr. Harrison stated that although the City could request the required local bill, the State Legislature is unlikely to approve.

Council Member Galleberg observed that the Hamilton Harbor issue would become a hidden tax of millions upon City residents. Council Member Tarrant however stated allowing Hamilton Harbor would constitute a violation of City laws.

Mayor MacKenzie noted that she had spoken to several of the candidates in the upcoming County election and that they seem to be amenable to working with the City.

MOTION by Herms to MEET WITH THE NEW COUNTY COMMISSION IN LATE NOVEMBER OR EARLY DECEMBER REGARDING PARK FUNDING; seconded by Tarrant and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-yes)

Mayor MacKenzie then requested a consensus to direct staff to incorporate all projects into a package that could be bonded by telecommunications tax revenue. Council briefly discussed whether to include the Pulling property development, which Mayor MacKenzie suggested could be adopted under the City Dock fund. Vice Mayor Herms recommended assigning a higher priority to the annex than to the renovation of existing park facilities. Council Member Tarrant recommended meeting with the County Commission immediately explaining that the present body was scheduled to enter budget meetings in the near future. Council Member Taylor added that should the County Commission deny the City funding, the request would at least be on record.

MOTION by Tarrant to MEET WITH THE PRESENT COUNTY COMMISSION AS SOON AS POSSIBLE; seconded by Taylor and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-yes)

MOTION by Herms to DIRECT STAFF TO PREPARE PRELIMINARY FIGURES ON A TELECOMMUNICATIONS TAX TO BOND THE FLEISCHMANN PARK ANNEX AND THE RIVER PARK COMMUNITY CENTER, NORRIS COMMUNITY CENTER, FLEISCHMANN PARK,

AND SEAGATE PARK IMPROVEMENTS; seconded by Tarrant and carried 5-1 (Galleberg-no, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-yes)

.....ITEM 6
DISCUSSION REGARDING SECTION 106-235 (c) OF THE CODE OF ORDINANCES (CONTROL OF NOXIOUS PLANTS – PURSUANT TO 7/31/00 WORKSHOP) (11:52 a.m.)

Public Input: (11:52 a.m.) **Linda Love, P.O. Box 10004**, a North Naples resident, stated that she has exotic trees on her property, but does not want to remove them. She voiced concern that the intense building is vastly reducing green space and said that it is hypocrisy to allow exotics in some areas but not others.

City Manager Kevin Rambosk indicated that staff had concerns implementing the ordinance, which, he said, Council could either retain or instruct staff to review for possible amendment. Mayor MacKenzie announced that former Council Member Ron Pennington and David Addison, representing the Conservancy of Southwest Florida, had offered to assist Council in understanding the issues.

Council Member Galleberg observed that the intent was to rid the City of the noxious exotic plants, and not to denude the landscape to facilitate further building. Vice Mayor Herms opposed inclusion of the Australian Pine on the list of plants; if private property owners are forced to remove them, the City should do likewise from its own parks and beaches, he added. Parks and Parkways Superintendent Terry Fedelem clarified that the ordinance applies to vacant lots upon development and to redeveloped lots, and that because most City trees are on developed properties, they would not require removal.

Conceding that some plant species should be removed, Council Member Tarrant urged that Council take diversity into account. Natural Resources Manager Jon Staiger explained that removing Australian Pines from Keewaydin Island had caused pelicans to perch in Australian Pines on Naples beach; these plants are invasive and displace native dune and beach vegetation.

Public Input: (12:18 p.m.) **Ron Pennington, 3430 Gulf Shore Boulevard North**, noted that he had participated in amending the ordinance to its present form, and that he is a retired master gardener. Mr. Pennington urged that Council retain the present ordinance which, he said, had been drafted after considerable discussion, debate, and public participation. He explained that the eight noxious plants identified are among the State's most invasive and disruptive species. Mr. Pennington further called the five-year removal deadline for vacant lots generous, although a reminder would be appropriate. He also commented that invasive exotics pose a more serious threat to the City's mangroves than did the proposed Hamilton Harbor. Citing his reference material, a copy of which is contained in the file for this meeting in the City Clerk's office, Mr. Pennington urged that Australian Pines and carrotwood, in particular, remain in the ordinance. In response to Vice Mayor Herms, Mr. Pennington stated that the Australian Pines could remain on the beaches as long as the trees are pruned. **David Addison, no address given**, representing the Conservancy of Southwest Florida, noted the Conservancy's statement (a copy of which is contained in the file for this meeting in the City Clerk's office) which recommends retention of the present ordinance. He also commented that Art Taylor Alexander, a well-known botanist from the University of Miami, had cautioned that exotic plants tend to multiply rapidly and could easily overtake a mangrove forest. Additionally, Mr. Addison indicated that the Gulf Coast Marine Lab had estimated that exotic plants and animals cost the United States \$1.2 billion annually. Mayor MacKenzie questioned whether he supported the control of invasive plants

through pruning; however, Mr. Addison pointed out that wave action and animals would still disperse seeds. In response to Council Member Tarrant, he affirmed the advisability of removing the Australian Pines from Keewaydin Island. **Charles Brown, 244 Sherwood Drive**, indicated that he has Brazilian Pepper in his yard and urged that the City mediate conflicting opinions. He explained that technology has produced chemical controls to manage these plants, but that their removal could be significantly costly. Additionally, he stated that Australian Pines on the beach prevent erosion and that according to expert opinion, the Downy rose-myrtle is highly acceptable for landscape uses and that it possesses very attractive foliage. **Martha Dykman, 5040 Seashell Avenue**, voiced concern regarding unattended vacant properties that disperse seedlings into neighboring properties. She noted that a property owner in Seagate had had his ferns, fruit trees, and palms killed by invading Brazilian peppers. Ms. Dykman then related another instance in which an Australian Pine had pushed a mangrove into the water, and explained that she is a member of a group which annually remove Brazilian Peppers from a section of the Pulling property in order to protect the mangroves there.

Mayor MacKenzie questioned Building Department enforcement procedures to date, and City Manager Rambosk stated that he would investigate. Mr. Fedelem called attention to the listing of plants proposed for removal from both City property and private vacant lots, and Vice Mayor Herms received confirmation that 64 citizens would receive notices to remove these plants. (A copy of Mr. Fedelem's material is contained in the file for this meeting in the City Clerk's office.) Council Member Tarrant questioned whether redevelopment was an appropriate criterion for requiring removal. Dr. Staiger explained that the intent was to not place an undue hardship on existing homeowners, but to instead assign it to the new owners or developers upon redevelopment. He added that this method would eventually reduce the available seed source, and facilitate better control. Mr. Tarrant however voiced concern regarding government intrusion into citizen's personal affairs. He added that a few years ago a Marco Island resident had contended that the Australian Pines on her property had actually increased its value. Mayor MacKenzie noted that the Conservancy had suggested a three-month extension to allow the Community Services Department time to notify affected property owners. Mr. Tarrant made a motion for a six month reprieve; however, he withdrew it saying that he does not sanction the removal of trees and had only wanted the residents to have additional time. Council Member Taylor then made a motion to adopt as written but with a six month extension for notification; however, further discussion ensued. City Manager Rambosk said the ordinance is in force at this time, and that Council would have to amend it; therefore, Council Member Taylor withdrew her motion. Vice Mayor Herms recommended consulting the City Attorney on this matter. Council Member MacIlvaine stated that he believed four months' notice would be sufficient and suggested that Council proceed with the ordinance as written. City Manager Rambosk explained that staff would send a certified notice to the affected property owners, and that Code Enforcement would follow its customary procedures for violators.

MOTION by MacIlvaine to PROCEED AS RECOMMENDED; seconded by Taylor and carried 4-1-1 (MacIlvaine-yes, Taylor-yes, Tarrant-no, Galleberg-yes, Herms-abstain (See Attachment 1.), Wiseman-absent, MacKenzie-yes)

Vice Mayor Herms stated that he must abstain because he has carrotwood trees on his property and there are fewer than 100 affected parties.

Recess 1:21 p.m. to 1:32 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....**ITEM 7**
DISCUSSION OF ESTABLISHING AN ORDINANCE TO PROTECT ART IN PUBLIC PLACES (REQUESTED BY COUNCIL MEMBER TAYLOR) (1:32 p.m.) Assistant City Manager William Harrison stated that he had conferred with Council Member Taylor regarding the hiring of an appraiser to assess the City's art collection, but that direction from Council is required. Mayor MacKenzie suggested that Ms. Taylor inquire as to the availability of a volunteer art appraiser. Mr. Harrison noted there are currently very few pieces, and confirmed that the City is essentially self-insured.

Public Input: None. (1:37 p.m.)

MOTION by Herms to DIRECT STAFF TO INVESTIGATE OBTAINING A VOLUNTEER ART APPRAISER FOR THE CITY'S COLLECTION;
seconded by Taylor and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-yes)

CORRESPONDENCE & COMMUNICATIONS (1:38 p.m.)

Council Member Tarrant stated that he had recently spoken to a citizen regarding a small piece of property at 3989 Gordon Drive, which he thought might be suitable for a bicycle rack and public beach access. City Manager Kevin Rambosk reported that he had requested the City Attorney to provide legal clarification regarding the right-of-way and land swap that had enabled this situation to occur. However, he said, City Attorney Beverly Grady had indicated that the City does not have easement rights to access the beach pursuant to a quit claim deed to the City for a portion of this property.

Mr. Tarrant then noted recent instances of cruelty to animals, and asked for Council support in directing the City Manager and City Attorney to examine the applicable City laws. City Manager Rambosk stated that the City likely adopted the County's ordinances, but that he would research this information.

Public Input: None.

MOTION by Herms to DIRECT STAFF TO RESEARCH CODE RELATIVE TO ANIMAL CRUELTY;
seconded by Taylor and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-yes)

Council Member Tarrant then addressed a citizen concern regarding the planting of ornamental shrubbery directly in the path of the sidewalk in front of her residence on Third Street South, and questioned the City's Comprehensive policy on sidewalks. City Manager Rambosk affirmed there is a sidewalk plan and that the Engineering Department would provide a brief overview at the next workshop meeting. He confirmed that a developer is obligated to extend the sidewalk, and that he would investigate this property. Mayor MacKenzie voiced support for pursuing a more aggressive sidewalk installation system throughout the City to enhance safety.

Council Member Tarrant also stated that Ron Soulard, Chairman of the Citizens Against Airport Noise (CAAN), had requested that Council correspond with the Naples Airport Authority (NAA) in support of the proposed Stage Two jet ban, the ban on most nighttime flights, and the limiting of aircraft to a maximum of 75,000 lbs. (City Manager Rambosk read the draft letter into the record, See Attachment 2.) Council Member MacIlvaine commented that the Federal Aviation Administration already bans Stage 2 jets over 75,000 lbs throughout the country, and briefly discussed slight amendments to text. Mayor MacKenzie however voiced concern regarding possible interference in areas outside Council's purview; and Council Member Galleberg stated that he believed individual letters may be more appropriate. It was the consensus of Council to confer with the City Attorney prior to corresponding with the Naples Airport Authority.

Council Member Taylor recommended inviting Old Naples representatives to discuss concerns; Mayor MacKenzie however stated she would meet with several such representatives on August 15th. City Manager Rambosk noted that staff has already begun to address these concerns, and would discuss its findings at a later time.

Council Member Galleberg voiced concern that the urban style bus system recently approved by the County Commission would negatively impact the City, as the buses are intended to mainly traverse U.S. 41. Council Member MacIlvaine said that the City should be able to exercise a degree of control over bus stop locations, schedule, and other factors, and Vice Mayor Herms urged that the vehicles meet all emission standards. Council Member Taylor registered surprise that the Florida Department of Transportation (FDOT) would allow this being that it may cause a reduction in the level of service. Council Member Tarrant predicted that the buses would be nearly empty much of the time. City Manager Rambosk suggested inviting County representatives to Council to present an overview.

Public Input: None.

MOTION by Herms to DIRECT THE CITY ATTORNEY TO REPORT ON VARIOUS ASPECTS OF THE PROPOSED BUS, THE CITY'S RIGHTS, AND THE CONTROLS/AGREEMENTS IN WHICH COUNCIL MAY PARTICIPATE; *seconded by Taylor and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-absent, MacKenzie-yes)*

Council Member MacIlvaine then noted overgrown grass and sand and bags of cement in the driveway at 519 Turtle Hatch. City Manager Rambosk said that he would address this.

Council Member Taylor then stated that audio tapes of the Wilkinson House original negotiations are available at the City Clerk's office and that the videotape is available at the Collier County Historical Society.

Mayor MacKenzie stated that the County had recently rebroadcast several City advisory board meetings after improvements to the sound system had been made; however, she noted there was no actual improvement. She suggested hiring an acoustical engineer or a Media One representative to solve this problem. City Manager Rambosk recommended retaining an audio/cable professional to investigate the mixing capability, and checking the line between the City and the County.

Mayor MacKenzie noted that Media One had recently asked whether Council would replace the moderator on the Naples Report; she therefore asked that Council give direction in this regard at the next meeting. City Manager Rambosk recommended that Council develop a schedule for future programming.

OPEN PUBLIC INPUT (2:29 p.m.).....
None.

ADJOURN (2:29 p.m.)

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Minutes approved: 9/6/00

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME FIRST NAME MIDDLE NAME <i>Hermis Joseph</i>			NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City of Naples City Council</i>
MAILING ADDRESS <i>690 Bougainvillea Rd</i>			THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Naples</i>	FL	COUNTY <i>Collier</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Naples</i>
DATE ON WHICH VOTE OCCURRED <i>Aug 14, 2000</i>			MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joseph Herms, hereby disclose that on Aug 14, 192000:

(a) A measure came or will come before my agency which (check one)

☒ inured to my special private gain; or

☐ inured to the special gain of _____, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

I have two carrotwood trees on my home at
368 4th Ave North, Naples, FL

Date Filed Aug 14, 2000

Signature Joseph Herms

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

MAYOR
BONNIE R. MACKENZIE

VICE MAYOR
R. JOSEPH HERMS



City of Naples

CITY COUNCIL

GARY GALLEBERG
WILLIAM R. MACILVAINE
FRED TARRANT
PENNY TAYLOR
TAMELA WISEMAN

DRAFT

August 10, 2000

Honorable Chairman and Commissioners
Mr. Theodore D. Soliday, Executive Director
City of Naples Airport Authority
160 Aviation Drive
Naples, FL 34104-3568

Dear Chairman Pennington, Commissioners and Mr. Soliday:

This is to express appreciation and support from the Naples City Manager, Mayor, and City Council for actions taken by the Naples Municipal Airport as regards banning of Stage 2 jets and limiting aircraft to a maximum of 75,000 pounds.

We also wish to express our strong support for a nighttime ban on all flights in and out of the Airport other than those relating to MOSQUITO CONTROL ACTIVITY and FULLY DOCUMENTED EMERGENCY FLIGHTS.

The above measures, when fully implemented, will go far toward alleviating adverse impacts to our community as a whole.

Very truly yours,

DRAFT