



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – September 5, 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
Fred Tarrant
Penny Taylor
Tamela Wiseman

Absent: Council Member William MacIlvaine

Also Present:

Kevin Rambosk, City Manager
Beverly Grady, City Attorney
Ron Lee, Planning Director
William Harrison, Asst. City Manager
Don Wirth, Community Services Director
David Lykins, Recreation Manager
Rebecca Poyer, Special Events Coord.
Laura Spurgeon, Planner
Jonathon Maines, Police Sergeant
Mastin Reed, Battalion Chief
Jessica Rosenberg, Recording Specialist
Grace MacFarlane, Admin. Specialist
Betty Pennington
Clark Russell
Bill Boggess
Larry Warner
Pat Distasio

Virginia Corkran
Joe Biasella
Charles Kessler
Andrea Clark Brown
William Meek
Robert Geroy
Leonard Reina
Tim Willis
Muffy Clark Gill
Amy Rego
Gloria Kovacs
Mary Ladd Tait
Lane Cole
Other interested citizens and visitors
Media:
Marci Elliott, Naples Daily News

ITEMS TO BE ADDEDITEM 2

None.

.....ITEM 5

REVIEW OF TEXT AMENDMENT PETITION (00-T2) PROPOSING ESTABLISHMENT OF AN ARCHITECTURAL REVIEW BOARD (PLANNING DEPARTMENT) (8:36 a.m.) Planning Director Ron Lee explained that the Comprehensive Plan provides an initiative to create an architectural review board (ARB); he then reviewed staff's efforts to date which include a review of architectural review boards in other communities and in Collier County, and meetings with local representatives of the American Institute of Architects (AIA). The Planning Advisory Board (PAB) subsequently reviewed these plans and recommended approval of a text amendment. Mr. Lee then provided additional details on the proposed ARB's purview, noting it would review commercial projects only, and specifically exclude single family residential and Fifth Avenue South projects. He also provided information relative to board membership and composition. (Copies of this and other referenced material is contained in the file for this meeting in the City Clerk's office.) Mr. Lee further explained that an ARB can either be very prescriptive or flexible and provide only general parameters and review guidelines; the AIA and the PAB have recommended the latter. He then briefly detailed the review criteria and process.

Architect Larry Warner stated that the AIA architects involved in the above process had also worked extensively with such boards, and therefore brought expertise to this issue. He clarified that none had felt that a prescriptive code would be successful, saying that although a project may comply to strict standards, it may nonetheless miss the spirit of the design. Mayor MacKenzie cautioned that a lack of measurable standards may lead to accusations of arbitrary decisions; however, Mr. Warner stated there would nevertheless be certain specifics. He added that appearing before peers to justify a design is actually much harder than adherence to a prescriptive, and also allows the community appropriate input.

Council Member Taylor questioned the stated purpose of the ARB in promoting public health, safety, and general welfare to the public. Mr. Warner emphasized that design is in fact an issue of public welfare in terms of psychological health, ease of use, and other factors. He noted that the proposed review would serve to protect and preserve the City. Council Member Galleberg cautioned against the ARB becoming involved in minutiae; however, Mr. Warner stated that the board would be composed primarily of professionals, and would deal with serious and broad design concepts. Mr. Warner then stated that he believed several buildings on Fifth Avenue reflect a superior design, but that the drug store on U.S. 41 would not meet ARB standards because it does not address the street. Mr. Warner added that the ARB would determine the appropriateness of the project, not the architectural firm, and said that should the ARB consider a design unacceptable, the architect could then re-design. Vice Mayor Herms stated that because the proposed standards appear vague, they may be difficult to interpret; however, Mr. Warner affirmed they would be readily understood by architects. Mr. Warner also urged that all parking be pedestrian friendly, although several Council Members pointed out examples of the successful use of parking in front of stores.

Public Input: 9:26 a.m. **Charles Kessler, 525 Anchor Rode Drive**, stated that although Mr. Warner had indicated that an ARB would protect the community from bad design, many City buildings have actually won architectural awards. He voiced approval for the concept, but stated that the board should be comprised primarily of citizens, not solely architects. **Andrea Clark Brown, 316 Third Avenue North**, stated that some type of architectural review is crucial in commercial areas in order to preserve the character of the area, and stressed the importance of

using appropriate landscaping. **Bill Boggess, 1100 Eighth Avenue South**, urged that such a board include engineers, planners, and a larger representation of the general public.

Mayor MacKenzie voiced agreement with the public speakers, and said that although she is generally supportive of the ARB concept, the ordinance as presented is overly broad. Mr. Lee suggested either remanding the ordinance to the PAB with specific direction, moving forward, rejecting the concept, or conducting further workshops. Council Member Tarrant voiced concern that an ARB would constitute an additional layer of bureaucracy. Council Member Wiseman agreed, noting her previous experience with these boards. Vice Mayor Herms stated that although the concept is good, he has reservations relative to a broad interpretation of standards and recommended instead placing some of the concepts into the City Code. Mayor MacKenzie suggested referring this back to the PAB and scheduling a joint meeting in November. Council Member Tarrant instead recommended inviting the architectural community to a Council workshop once a year in order to discuss outstanding issues; Vice Mayor Herms agreed. Council Member Galleberg recommended contacting communities already using an ARB to ascertain their experiences, and said that an ARB could provide a valuable service to community development. Council Member Taylor recommended proceeding after further refinement. Mayor MacKenzie noted that while the entire Council seemed to concur on a need for better guidelines and measurable standards, deferring the establishment of an ARB for the present time may be advisable.

No consensus reached; staff directed to work with the Planning Advisory Board to tighten and possibly create additional standards; Council to then determine whether to codify, or to establish as review guidelines for an Architectural Review Board.

Recess 10:11 a.m. to 10:23 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....**ITEM 7**
STATUS REPORT ON THE NAPLES PRESERVE AND DISCUSSION OF NAPLES PRESERVE STEERING COMMITTEE'S RECOMMENDATIONS RELATING TO THE CHAMBER OF COMMERCE BUILDING AND FICUS TREES ON THE SITE. (10:23 a.m.) Community Services Director Don Wirth explained that Council had, by prior motion, allocated \$300,000 to the Naples Preserve in order to place mature trees on the property, with the understanding that the City would preserve the existing building pending further research. He said that staff subsequently determined the building to be in poor condition and infested with termites, and estimated the rehabilitation to be \$125,000. The steering committee's sub-committee, The Friends of The Naples Preserve (TFOTNP), now proposes to raise \$250,000 to rehabilitate the building, and requests Council's concurrence to proceed.

Naples Preserve Steering Committee representative and TFOTNP Chairman William Meek stated that TFOTNP wishes to raise funds to preserve the old Chamber of Commerce building to enable its use as an informational center for nature groups. He added that the Building Utilization Sub-committee had suggested additional uses such as meeting space, classrooms, and a reference library. Mr. Meek stated that the costs of restoration, redecoration, and maintenance can be borne by the donations through the City's Land Preservation Trust Fund. He then detailed the proposed fee structure for businesses, families and individuals. Mr. Meek voiced confidence that with broad-based support, the committee would raise \$250,000 by April 1st of next year. He added that the committee should, however, address certain problems as soon as possible, and suggested using \$6,000 currently in the Land Preservation Trust Fund, adding that the committee also needs capital for fund-raising.

Public Input: 10:33 a.m. **Robert Geroy, 646 Anchor Rode Drive**, steering committee member, voiced support for the proposal, and invited Council and interested citizens to participate in the next volunteer clean-up on September 16th. **Virginia Corkran, 213 Ninth Avenue South**, representing Peter Thomas, displayed pictures of the old Chamber of Commerce building and the Marin County Civic Center, noting that Mr. Thomas had pointed out many similarities between the two buildings (copies are contained in the file for this meeting in the City Clerk's office). She added that Mr. Thomas, who had recently completed a documentary on architect Frank Lloyd Wright, had described the Chamber building as a historic treasure, and urged that it be preserved. Mrs. Corkran also expressed appreciation to volunteers, and echoed Mr. Geroy's invitation to Council to attend the next clean-up day.

Mr. Wirth predicted that termite treatment and building stabilization would cost \$5,000. Assistant City Manager William Harrison affirmed that funds are available for loan, to be repaid by future donations, and Council Member Taylor stressed that taxpayers would not be impacted. Vice Mayor Herms made a motion to direct staff to proceed to stabilize the building, including ensuring the roof does not leak, treat termite infestation, preserve the two mature ficus trees, and allow TFOTNP to proceed with fund-raising efforts; however, further discussion ensued. Council Member Tarrant seconded the motion, and expressed appreciation to all those participating in the project. He however urged that the facility be available to all types of community meetings. Mayor MacKenzie suggested addressing that topic at another time, and recommended amending the motion in order to specify a cash advance limit. Vice Mayor Herms amended the motion specifying a \$10,000 limit, and authorizing a fund-raising mailing.

Council Member Galleberg then questioned whether this proceeding would be contrary to Council's previous determination that this site be a low-impact nature preserve. Mayor MacKenzie confirmed that Council had indeed discussed preserving the building, and Council Member Taylor pointed out that doing so would facilitate providing restrooms.

Council briefly discussed obtaining donations; Mr. Harrison affirmed that he would address the City's tax deductibility status. City Manager Kevin Rambosk voiced concern that should this project garner inadequate community support, the City may be faced with a situation similar to the Wilkinson House repayment dilemma. Mayor MacKenzie expressed confidence that the taxpayers' money is secure because there are a number interested parties who want to preserve the building. Council Member Galleberg added that this situation is dissimilar to the Wilkinson House because there is no third-party complication, which he said hinders contributions, and no bond issue. Council Member Tarrant commented being on City property, the building would be maintained regardless of monies raised. Mayor MacKenzie and Council Member Taylor disagreed, supporting instead a private effort. Miss Taylor added that the funds should be held in escrow for return should the fund-raising fall short. City Manager Rambosk urged that the City determine an effective plan to solicit contributions; however, Mayor MacKenzie stated that this should not be the City's concern. Vice Mayor Herms disagreed saying that the building is a unique historical structure, and that the City should commit to and support the citizen's effort in its preservation.

MOTION by Herms to ADVANCE UP TO \$10,000 TO: STABILIZE THE BUILDING, ENSURE THE ROOF DOES NOT LEAK, TREAT TERMITE INFESTATION, PRESERVE THE TWO MATURE FICUS TREES, AND FINANCE A FUNDRAISING MAILING TO CITY RESIDENTS; (FUNDS TO BE REPAID BY PRIVATE FUNDRAISING EFFORTS); seconded by

Tarrant and carried 6-0 (Galleberg-yes, Tarrant-yes, MacIlvaine-absent, Wiseman-yes, Taylor-yes, Herms-yes, MacKenzie-yes).

.....**ITEM 8**

SPECIAL EVENTS COMMITTEE UPDATE (11:01 a.m.) Council Member Galleberg stated that this issue essentially involves street closures for commercial events. He added that downtown special events have become increasingly intensive, and that according to one promoter's estimate, have attracted up to 45,000 people; he therefore questioned whether Fifth Avenue and the surrounding residential areas can withstand this. Mr. Galleberg commented that although some merchants benefit, others actually close on event days. He also indicated that, in his view, although the Fifth Avenue redevelopment has provided a mecca for both residents and tourists, it is an inappropriate balance of interests to close downtown for these events, and added that Fleischmann Boulevard may be better suited for many of them.

Special Events Coordinator Rebecca Poyer explained the special event permitting process (a copy of this material is contained in the file for this meeting in the City Clerk's office), and noted that Council must review a number of events due to crowd size, amplified sound and parking restrictions. Police Sergeant Jonathon Maines stated that he studies those permits that require police officers in order to determine the necessary patrol; staff then remits an invoice to the permit applicant for reimbursement of the off-duty officers' time. Police Sergeant Maines added that regular Fifth Avenue South events employ a standardized street closure procedure, and that four officers are assigned. He then addressed alternative traffic routes, and parking issues, and affirmed that crowds have not been disorderly. Battalion Chief and Acting Fire Marshal Mastin Read stated that he also studies the permits for fire safety and access issues, and assigns appropriate emergency patrols to render medical care as necessary. City Manager Rambosk confirmed that all off-duty or special assignment police officers are armed. In response to Council, Ms. Poyer affirmed that Howard Allen Events Limited is the promoter for many of the Fifth Avenue South events.

City Manager Rambosk explained that the Community Services Department is not compensated for hours spent in handling special event requests. Council Member Galleberg noted that some of the Fifth Avenue special events are private enterprises and asserted that the City should not subsidize them, especially in light of their impact upon infrastructure and finances. He however noted the distinction between these and civic events such as parades. Council Member Wiseman sought clarification of the point at which a commercial event becomes a community event. Mr. Galleberg explained that the parade impact is much lower and that the special events are held primarily in season. He then suggested conducting a Town Hall meeting to ascertain residents' views. Mrs. Wiseman urged focus on scale and compromise on street closures, timing, and the size of special events. Council Member Taylor voiced concern relative to event frequency, and expressed doubt that the street festivals engendered revitalization. Mayor MacKenzie explained that the Duany plan was to use street fairs as a catalyst.

Public Input: 11:53 a.m. **Patrick Distasio, 649 Fifth Avenue South**, Fifth Avenue South Association CEO, clarified that the Duany proposal was to bring people to the main street as often as possible in order to perpetuate its renewal, and added that the aforementioned Howard Allen is actually a nationwide benefactor of many main street programs. Mr. Distasio then stated that the proceeds are invested in the street and the community, and that only a small portion actually leaves the City. He stressed that only a few merchants oppose the events, and that contrary to previous discussion, only one special event is held in the winter. Mr. Distasio also said that the number of street closures has actually decreased in the past few years, and that he has received no complaints or concerns from the Chief of Police, the area residents, or the

Florida Department of Transportation. **Mike LaVerdiere, Olde Circus Grill**, was not present when called, **Clark Russell, 3005 Fort Charles Drive**, representing himself, Kepp's Men's Shop, and the Community Services Advisory Board, stated that while downtown special events are valuable, they can be disruptive and cause him loss of business. He recommended addressing design issues and alternate parking arrangements, as well as holding some of the events at other locations. **Leonard Reina, 500 5th Avenue South**, representing the Old Naples Association (ONA), recommended limiting the number and size of the Fifth Avenue South special events and relocating some of them to areas outside of Old Naples due to traffic, parking, noise, and litter. He then questioned the actual purpose of Fifth Avenue events, saying that the area is now thoroughly rejuvenated and needs no further promotion. Mr. Reina then stated that the events do not benefit his business, and that any business plan that depends upon a City street closure should be re-addressed. He further stated that the taxpayers should share in the event profits, with a portion allocated to street enhancement. **Tim Willis, 852 Fifth Avenue South**, a Fifth Avenue South business owner, stated that the events generate a very positive economic impact, which far outweighs the costs involved. **Muffy Clark Gill, 2725 12th Street North**, urged that Council retain the downtown special events, noting that recent polls have indicated that a majority of the respondents support them. She added that they greatly benefit the local economy, and suggested that opponents may be unaware of their role in Fifth Avenue's current success. Ms. Gill also took exception to comments alleging that artists are undesirable, adding that some are actually well-known, and stressed that the City is for everyone. Council Member Galleberg replied that Council would consider changing venues, not eliminating events, and stressed that he is not attempting to exclude anyone. Council Member Taylor added that this is not a class issue, but a need to address overburdening of a portion of the City. **Lane Cole, 980 Fifth Street South**, an area resident, recommended that the parties determine an appropriate balance, and suggested limiting the events or exploring other venues. **Mary Ladd Tait, 2412 Kings Lake Boulevard**, a Fifth Avenue South business owner, affirmed that downtown street fairs bolster her revenue, and cautioned that holding them on Fleischmann Boulevard would ultimately benefit Coastland Mall. She however suggested limiting the number of events and the size of the art fair booths. **Amy Rego, 1060 Sixth Avenue South**, stated that unlike the yearly Naples National Art Festival, the proceeds from the street fairs leave the City. She also objected to closing Eighth Street South for the Fifth Avenue South events, as it is one of only three north/south corridors in the area. Ms. Rego added that the profits should not come at the expense of the residents, and suggested relocating some of the fairs to Venetian Village, Third Street South, or Fleischmann Park. **Annabelle Johnson, 3765 Weymouth Circle**, Vice President of Naples Artcrafters, affirmed that the Fifth Avenue shows indeed reserve a portion of their spaces for local artists. She also disputed the notion that the events attract a lower class of people. Ms. Johnson added that her profits have allowed her to give back to the community, and that she has shows only in the City and in other nearby communities. **Gloria Kovacs, 677 Banyan Boulevard**, clarified that the events actually attract approximately 7,000 people. She added that the event proceeds have provided assistance to the Art in Public Places Program, the Cambier Park bandshell, and other programs and scholarships. Ms. Kovacs stated that according to a poll she had conducted, a great majority of area residents favored continuing the events. **Jeanette Kessler, 525 Anchor Rode Drive**, representing the Naples Art Association, stated that this organization has in the past, and would again, work with the City on any outstanding issues concerning the art fairs; however, she voiced doubt that a number of the commercial items sold at the fairs actually constitute artwork. Additionally, she emphasized that the yearly Naples National Art Festival raises money solely for the art center and its programs. **Barry Witt, no address given**, Naples National Art Festival Director, stated that the festival is the Naples Art Association's major fund-raising event. He explained that its goal is to bring fine art into the

community, and stated that the artwork is juried for that particular show. Mr. Witt affirmed that there is appropriate street access during this event, and that few merchants are negatively affected. **Charles Kessler, 525 Anchor Rode Drive**, echoed the concerns of previous speaker, Amy Rego, and said this is a classic case of resident versus commercial interests. He also recommended proceeding with the aforementioned Town Hall meeting. **Huguette Nelson, 375 Fifth Avenue South, Suite 202**, a Fifth Avenue South realtor, stated that the majority of residents and businesses on Fifth Avenue South favor the events, and added that the events are an asset to the street.

Council Member Galleberg made a motion to schedule a Town Hall meeting for September 12th at 7:00 p.m.; however, further discussion ensued. Vice Mayor Herms noted that one viable option would be to relocate some of the events. Mr. Galleberg concurred, adding that Fleischmann Park would provide ample space for expansion and parking as well as a larger buffer to the surrounding neighborhoods. Council Member Tarrant commented that although the street closures cause a degree of disruption, continuing the downtown special events is crucial in maintaining the Fifth Avenue revitalization. Council briefly discussed alternative dates and times for the Town Hall meeting, and Mr. Galleberg amended his motion to schedule it at 5:30 p.m.

MOTION by Galleberg to DIRECT STAFF TO SCHEDULE A TOWN HALL MEETING ON SEPTEMBER 12 AT 5:30 P.M. seconded by Taylor and carried 6-0, (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

City Manager Rambosk and Mayor MacKenzie briefly discussed the remainder of the agenda, and suggested continuing Item 6 concerning sidewalks.

Recess 1:12 p.m. to 3:35 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Upon reconvening, Mayor MacKenzie noted that Mr. MacIlvaine's letter to her advising that he would be absent for this week's meetings was dated August 25th, yet not postmarked until September 1st.

.....**ITEM 4**
REVIEW OF ITEMS ON THE 9/6/00 REGULAR MEETING AGENDA (3:35 p.m.) **Item 5-d (Purchase of Golden Gate Estates property as part of the Wellhead Protection Program)** - Council Member Galleberg requested that this item be removed from the Consent Agenda for separate discussion. Mayor MacKenzie also requested information on remaining wellhead land purchases and plans, if any, for acquiring land adjacent to the Coastal Ridge Wellfield. **Item 5-i (North Road improvements as completed by the Naples Airport Authority)** – Vice Mayor Herms questioned the configuration of the road easement. **Item 7 (Consider the appeal of a denial by the Board of Appeals concerning a stop-work order)** – City Manager Rambosk noted that the appellant may request another continuance since not all Council Members will be present. Mayor MacKenzie noted prior continuances of this appeal. **Item 9 (Consider revising administrative requirements and procedures for preparation of the Council agendas)** – Mayor MacKenzie suggested discussion of Council Member Tarrant's memorandum on the bidding process with this item; however, City Manager Rambosk noted a possible continuance. **Item 19 (Discussion of previously approved planned development)** – City Manager Rambosk advised Council that this item would be continued. **Item 15 (Bid Award for the Port Royal Storage tank)** and **Item 20 (Consider a Contract for Construction Management Services for the Port Royal Water Tank)** – City Manager Rambosk asked that these items be consecutively considered. **Added Item 21 (Discussion of Urban/County**

Entitlement Partnership). Added Item 22 (Discussion of a general employee pension [Mae Davis]).

BRIEFING BY CITY MANAGER (3:44 p.m.)ITEM 3

City Manager Kevin Rambosk reported a successful summer season for the City's youth programs noting a 30% increase in participation (approximately 500 children). He also reported that seven pilings at the Naples Fishing Pier, currently under reconstruction, were damaged when a construction barge broke loose during a recent storm. As a result, the contractor predicts a one-to-three-week delay in the project. Mr. Rambosk then noted an upcoming "clean up" day at the Naples Preserve and the City Council Special Meeting (Budget) scheduled at 5:05 p.m. He also reported the resolution of a recent complaint regarding refuse outside a home on Turtle Hatch Road and relayed MediaOne's efforts to provide a City television channel by January 1, 2001. Vice Mayor Herms commented on the recent purchase of MediaOne and noted that this ownership transfer may provide an opportunity for Council to review the cable franchise agreements. He also suggested contacting another cable company for the City channel, such as Time Warner. City Manager Rambosk then introduced interim Naples Daily News reporter, Marci Elliott.

In response to Council Member Tarrant, Mr. Rambosk provided an update on efforts to meet with Collier County representatives regarding a proposed aquifer storage and recovery system (ASR) test well. Mr. Tarrant relayed his understanding that the County had agreed to postpone the test well until City concerns are addressed, and he asked the City Manager to verify this. Council then discussed an upcoming proclamation honoring the Naples Braves Girls' Softball Team for winning the world championship. Council Member Taylor suggested that the team be collectively named Grand Marshall of this year's Christmas Parade. She also commended the team's coaches and parents.

OPEN PUBLIC INPUT (4:06 p.m.)

Joseph Biasella, 860 12th Avenue South also commended the accomplishments of the Naples Braves Girls' Softball Team. Mr. Biasella then referred to his submittal to Council, which outlined his concerns regarding the City's charter boat regulations and the operations at the City Dock. (Attachment #1) Mr. Biasella described the charter boat regulations as essentially unenforceable and specifically noted problems associated with the establishment of a waiting list for charter boat slips. He suggested instead a lottery system. Mr. Biasella then pointed out what he described as a loophole in City regulations, which allows a charter vessel owner to sell a vessel and the corresponding City slip. He explained that this invites fraud and he suggested requiring a five-year tenure before such a transfer could take place. As to the City Dock operations, Mr. Biasella contended that the Harbormaster should report directly to the City Manager, not the Community Services Director, and suggested that a marine patrol officer fill this position. He further noted that Council has yet to consider many of the Naples Bay Project Committee's recommendations, which he attributed to the lack of communication on the City Dock operations. He also asked that the City look into the shortage of marine patrols on Naples Bay, particularly on holidays, and reminded Council that the new patrol vessel it had authorized had yet to be delivered. Discussion then focused on privatization of the City Dock and Mayor MacKenzie, while commending Mr. Biasella for his insight and concerns, noted that the City Manager is indeed researching this issue for a future workshop. City Manager Kevin Rambosk confirmed that staff would present a plan for these operations in October based upon the input received from the charter boat and Naples Bay community. The issue of the temporary unrestricted charter boat classification would be brought to Council separately (September 20, 2000). Council Member Taylor expressed concerns that privatization would make the City Dock less accessible.

Bill Boggess, Marina Manor, was not present when called to speak.

CORRESPONDENCE and COMMUNICATIONS (4:30 p.m.).....

Council Member Tarrant referred to his memorandum requesting a re-bidding of the tree-trimming contract and took issue with the City bidding process, particularly as it relates to the ability of the various companies to get on the bid list. City Manager Rambosk affirmed that staff endeavors to find the most qualified, lowest bidder. He added that staff does assess past performance in review of bids, but admitted that this procedure could indeed occur prior to the subsequent bid process. City Manager Rambosk affirmed he would discuss this with the appropriate staff, and provide an overview at the next Council workshop. Vice Mayor Herms questioned whether all the bid specifications were included in the tree-trimming proposal. Mr. Tarrant explained that there was a controversy regarding the immediate removal of cut branches. Mr. Rambosk added that the clarification of this and another issue regarding the vehicles should have been made in the bid specifications and not after-the-fact. He further stated that he would review the existing agreement relative to payment for services and other issues regarding storm clean-up. Vice Mayor Herms then noted that he had spoken to promoter Howard Allen (see Item 8), and suggested that the rest of Council speak to him as well on the special event issue. Mr. Herms added that he had also spoken to Peter Thomas regarding possibly moderating the Naples Report; however, Mr. Thomas indicated that he would be unable to do so at the present time.

Mayor MacKenzie then stated that she had recently been presented with a proposal to allow a concession at the beach ends to rent beach umbrellas and chairs, and asked for Council's position on this matter. Council Member Taylor said she did not favor this, saying that it would not be characteristic of the City. Council Member Tarrant said that although carrying a chair or umbrella may be difficult for some people, he nevertheless agreed with Ms. Taylor. Vice Mayor Herms expressed concern that storage of these items on the beach would detract from its beauty. Mayor MacKenzie said that the proposal includes removal by trucks; however, Mr. Herms stated there would be inadequate parking. Council Member Galleberg urged maintaining the current beaches' charm, and Council Member Wiseman said she could support this proposal only in conjunction with the concessions at the Naples Pier or at Lowdermilk Park. Mayor MacKenzie commented that she could not support commercial enterprises on the beaches, and was pleased that other Council Members felt similarly.

Noting that the September Naples Report would feature a discussion on the charter amendment issue, Mayor MacKenzie questioned whether there would be four Council Members willing to debate the question. Council Member Taylor suggested allowing one member of the public and one Council Member on each side. Council Member Wiseman said she had been opposed to this topic, and would not participate. Mayor MacKenzie questioned the appropriateness of Council Members discussing this issue in this format; however, Vice Mayor Herms stated that the Sunshine Law does not prohibit two Council Members from appearing on a public show, and said he would take part. Council Member Galleberg said this would be an inappropriate forum for this discussion. Mayor MacKenzie stated she would be unwilling to debate this issue, explaining that she is careful not to express an opinion on a subject before she has heard all the evidence and testimony. Vice Mayor Herms observed that it seems that those who had opposed the referendum can now circumvent it by refusing to participate. Council Member Galleberg however stated that it was not part of the referendum that Council Members debate each other. Council Member Taylor said she believed the discussion could be handled fairly and that she would debate. Council Member Tarrant said he would not debate, saying that voters should decide. Vice Mayor Herms suggested contacting members of the public to determine if they

were interested in participating. It was determined that staff would identify four citizens willing to debate each other on this issue.

ADJOURN (5:15 p.m.)

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Minutes approved: 9/20/00



RECEIVED

AUG 28 2000

OFFICE OF THE MAYOR

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Mr. Kevin Rambosk
Naples City Manager
735 Eighth St. S.
Naples, FL 34102

Dear Kevin,

After our meeting on Thursday, I spent considerable time looking at and reviewing the situations we talked about on the waterfront. I would, at this time, like to offer a couple of suggestions that may help you in solving a few of the immediate problems.

Charter Boats:

You, the staff and the City Council have spent considerable time and effort trying to fairly solve a problem that should be a non-issue as far as the city is concerned. This all started as a problem that concerned the vessels at Turner Marine and was blown all out of proportion by the restricted charter boats trying to jump on the bandwagon. The city has gotten far too involved in the operation of the charter business on the waterfront and is being used by several factions to get what they want for personal gain.

The law is very clear. If you have a place to operate your business and comply with all necessary zoning laws, you then have a right to an occupational license. If you are unable to comply, then you are not in business. You by now know the history of the restricted charter boats, and the pick-up and drop-off rules. This is a morass similar to the Hatfields and McCoy's of which the city needs to wash its hands. THE SOLUTION IS VERY SIMPLE:

1. Do away with Restricted and Unrestricted designation. You are either legally in business or you are not. If you cannot comply with all regulations then you are not in business.
2. There are times when the hotels or brokers need more than one vessel to take care of charters that they have booked. These brokers should be able to hire any vessel with proper Coast Guard license and approval to handle the charter. These vessels are already legislated by the Coast Guard and the City just muddies the waters by getting involved. If a broker hires a vessel that does not fall under Coast Guard approval, this is the broker's problem, not that of the City.

3. City Dock parking. Rules are in place for charter boat parking. **Enforce them.**

The City has made a parking lot available to the charter boat business and if the charter boat captains do not like the location of the lot, they have the option of leasing spaces from other private businesses in the area. This problem only became a problem when one or two individuals were able to talk to individual staff members and convince them a problem existed.

4. Slip space for Charter Vessels.

There is limited space available at the City Dock for charter vessels. If you wish to make more space available, that is a city decision. You must close the loophole in the lease that allows the charter vessel to sell his boat and the slip goes with it. The premise behind this is good, however, the possibility for abuse should be very apparent. Two charter operators were able to sell their boats while their business were not viable charter boat businesses. They made a huge profit by selling public property and buying their boats back for one dollar. This is very close to fraud and should not be allowed to happen. A system of tenure on the lease would put a stop to this, still protect a charter operator, and allow him to have a viable business. The tenure would start after a five year period of business on the City Dock.

5. Harbormaster.

A new harbormaster must be put in place as soon as possible to replace Bob Egan. This position must have some teeth for code and law violations. This position should fall directly under the City Manager. The best solution would be to have a marine patrol officer assigned to the manager as Harbormaster with an assistant Harbormaster appointed. These positions should have nothing to do with Community Services nor the immediate supervision of the Police Dept. City Ordinances that have been enacted by the City are not enforced because no one knows who should enforce them, and the Police Dept. has a hands-off policy on these laws.

6. Marine patrol.

The state of law enforcement on the city waters is in total disarray. The scheduling of three men for all of the shifts necessary is not even close to being adequate. On the last two major holidays, only one officer was provided on the water for the holiday weekends. If the council were to take a look at this, they would find that information is not flowing properly in any direction when it comes to law enforcement on the water. Spend a weekend on the water and the problem will become apparent. One man on the weekend and three men on Wednesday is not good scheduling. When two men are assigned the weekend, we only have two men for three hours. Equipment is another story. They still have not received the new vessel that was ordered by the city council.

7. Harbor Board.

The problems that are presently being handled by a very busy and harried staff could be handled far more easily with a non-political harbor board being seated to study these problems as they arise. As is the problem in government operations, and is very apparent in Naples, all government divisions work very hard to make their own departments look good and necessary. Accurate information flow is generally left by the wayside. A non political harbor board would rectify this problem on the waterfront. We lost a very good man in Bob Egan because of this problem and there have been others who have gone by the wayside in the same way.

8. Privatization of the Naples City Dock.

The Naples City Dock has not shown a good record in the past in its operation. This is not because of the people running the immediate operation. Trying to run a profit making business efficiently has not proven to be the best way to operate. By its nature, the City Dock operates in competition with private enterprise and is supervised by City Officials who may not understand what it takes to operate a business of this type.

Sir, I hope these suggestions are of some help to you. These are not only my thoughts, but have been compiled by conversation with several businessmen in the area.

Respectfully submitted,

Joseph V. Biasella

cc: Honorable Mayor
City Council.