



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – Monday, April 16, 2001 - 8:30 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALL (8:32 a.m.)ITEM 1

Present: Bonnie R. MacKenzie, Mayor
Joseph Herms, Vice Mayor (arrived 8:33 a.m.)

Council Members:
Gary Galleberg
William MacIlvaine
Fred Tarrant
Penny Taylor
Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Tara Norman, City Clerk
Ron Lee, Planning Director
Jessica Rosenberg, Recording Specialist
Karen Kateley, Administrative Specialist
Susan Golden, Planner II
David Hope, County Transportation Manager
Gail Keratin
James Dean

Pam Mac’Kie, Collier County Commissioner
Arlene Guckenberger

Naples Airport Authority:

Eric West, Chairman
Peter Manion
Peter Eschauzier
Ted Soliday, Airport Director
Frank Kowalski, Airport Attorney

Media:

Denise Zoldan, Naples Daily News

It is noted for the record that Vice Mayor Joseph Herms arrived at 8:33 a.m.

SET AGENDA.....ITEM 2

City Manager Kevin Rambosk requested that the commercial property management discussion (Agenda Item 6) be rescheduled for May in order to be able to incorporate suggestions made by the Planning Advisory Board and still consider the matter prior to Council’s summer recess.

Collier County Commissioner Pam Mac’Kie then appeared before Council and indicated that County and City staffs had been working together well on several issues. She responded to a question raised by Council Member Tarrant relative to pending state legislation on Aquifer Storage and Recovery

(ASR). She said that the bill addresses different issues than those involving the County's proposed testing which is to determine whether treated wastewater that meets state drinking water standards can be injected into lower aquifers. The pending legislation concerns untreated storm water. Council Member Tarrant asked which injection well had previously been referred to for possible brine injection, and Commissioner Mac'Kie explained that the two deep wells at the Collier County North Water Treatment Plant off of Goodlette Road would be used if the need to inject brine would again arise; however, she confirmed that the City would be notified if she learns otherwise.

In further discussion Commissioner Mac'Kie said that she believed the majority of the County Commissioners welcomes the City's involvement in County growth issues and encouraged the Council to view the recently completed Community Character Study. Commissioner Mac'Kie said the County would hold a workshop in June related to growth. Vice Mayor Herms, however, pointed out a lack of County infrastructure to meet expected demand although the City must have facilities in place to absorb the demand of continued County growth upon its beaches, hospitals and other services. He further noted that any County zoning change that increases population density has a corresponding impact upon the City. Commissioner Mac'Kie also agreed to provide information on units per acre, parking requirements and floor area ratio in the County's RT zoning district, noting that only structures in the Vanderbilt Beach area are zoned RT. Mayor MacKenzie noted that the northern part of the County is now plagued with a sewer crisis and that, while the growth cannot be stopped, it can at least be slowed while the City tries to assist the County.

.....**ITEM 3**
QUARTERLY REPORT BY CITY OF NAPLES AIRPORT AUTHORITY (8:52 a.m.)

Eric West, Chairman of the Naples Airport Authority (NAA), reviewed the airport's ongoing \$7.6-million remodeling, discussed the impact of American Eagle's withdrawal of service and provided information about noise level reductions. Mr. West said that the remodeling is for improved safety, storm water removal, reduced traffic congestion, and landscape enhancement. A road at the southwest corner has been relocated to achieve a 1,000-foot safety area at both ends of the runway, and the airport will have 120 new hangars to accommodate those on a waiting list. Mr. West indicated that landscaping and drainage work was expected to be completed by December.

Mr. West then reported that the NAA is working to replace American Eagle with another carrier, the departure of American Eagle having resulted in a two-thirds reduction in passengers using the airport. Although passenger service at the airport had peaked in 1995 with six carriers serving 175,000 people, the opening of the Ft. Myers International Airport had resulted in only three carriers serving 117,000 passengers by 2000. He predicted, however, that the search for another carrier to serve Naples would be protracted because of industry consolidation and the fact that companies frequently avoid seasonal markets; nevertheless, talks are currently underway with AirFlorida.

Because of continuing litigation, Mr. West declined to address noise levels at the airport, but did note that the airport has a long-term noise monitoring program, and distributed to the Council information that indicated landing and take-off noise levels for various planes (a copy of which is contained in the file for this meeting in the City Clerk's Office). He also pointed out that the largest airplanes are not necessarily the loudest, and that older airplanes are eventually replaced with newer, quieter ones.

.....**ITEM 4**
INTERVIEWS WITH CANDIDATES FOR VARIOUS BOARD AND COMMITTEE VACANCIES (9:51 a.m.) The City Council interviewed Robert Gray (9:51 a.m.), Carol Kendall (9:57 a.m.) and William Kroeschell (10:05 a.m.) for the three positions on the Collier County

Coastal Advisory Committee. Rusty Batcher was interviewed (10:12 a.m.) for the Code Enforcement Board. (Other interviews were conducted by City Council after Item 6 on this page).

.....**ITEM 10**
REVIEW OF ITEMS ON THE 4/18/01 REGULAR MEETING AGENDA (10:19 a.m.) Mayor MacKenzie noted two requests for additions for the April 18 meeting agenda: Item 19, a request for a waiver of conflict of interest by Henderson, Franklin, Starnes & Holdt, P.A., in order to represent Paddy Murphy's Irish Pub in a conditional use petition for live entertainment; and Item 20, a request by Nancy Stroud of Weiss Serota Helfman Pastoria & Guedes to determine legal representation in a Bert J. Harris Act claim filed by Hamilton Harbor. City Manager Rambosk then advised the Council of two more requested additions: Item 21, the Naples Community Sailing Center for amendment of its agreement with the City relative to approval of rental fees; and Item 22, a request for an emergency purchase of two trucks for the Water Distribution Division. Item 6 Mr. Rambosk confirmed for Council Member Wiseman that the City Center Plaza planned development proposal would be a first reading because of the extent of revisions. Item 7c Mayor MacKenzie requested a map of Naples Landing indicating the location of the third shelter. Item 9 Mr. Rambosk assured Vice Mayor Herms that Council Members would be afforded an opportunity between first and second reading of the noise ordinance to hear an example of noise levels during a simulation in the evening, which is when the City receives the most complaints. Item 10 Council Member Taylor suggested allowing the newly-established Public Art Advisory Committee to evaluate the placement of a sculpture in front of 649 Fifth Ave. South; although Mr. MacIlvaine agreed, Mayor MacKenzie said that the Council would most likely proceed with this particular request on the 18th. In further discussion it was learned that the aforementioned artwork had not been approved by the Staff Action Committee (SAC) and that the private property owner was requesting a waiver. Vice Mayor Herms, however, expressed skepticism that others had obtained SAC approval before placing privately-owned art on private property, and staff was asked to provide a list of these locations. Mayor MacKenzie also reported that an individual offered a carousel to the City, and that she would request Council's opinion at the regular meeting. (A copy of material relative to this request is contained in the file for this meeting in the City Clerk's Office).

.....**ITEM 6**
DISCUSSION OF MAINTENANCE CODE FOR RESIDENTIAL AND COMMERCIAL PROPERTIES, VACANT LOTS AND CONSTRUCTION SITES (10:22 a.m.) Rescheduled to incorporate Planning Advisory Board input. (See Page 1)

Continuation **ITEM 4**
INTERVIEWS WITH CANDIDATES FOR VARIOUS BOARD AND COMMITTEE VACANCIES (10:30 a.m.) The City Council interviewed Robert Navarre (10:30 a.m.) and John Sorey (10:46 a.m.) for the Planning Advisory Board; and Deborah Black (11:11 a.m.), Sharon Kenney (11:15 a.m.), Donna Ridewood (11:31 a.m.), Norman Rocklin (11:42 a.m.) and Marion Gamble (11:51 a.m.) for the Public Art Advisory Committee.

.....**ITEM 5**
PRESENTATION BY COLLIER COUNTY PUBLIC TRANSPORTATION DEPARTMENT REGARDING BUS ROUTES (11:53 a.m.) David Hope, Collier County Transportation Manager, reviewed proposed changes to two of six bus routes (a copy of which is contained in the file for this meeting in the City Clerk's Office). Mr. Hope said the proposed red and blue route changes were being presented first to the City Council and would next be brought to the Metropolitan Planning Organization and Board of County Commissioners, respectively. Mr. Hope noted a proposed counterclockwise red line route so Naples Park residents can avoid crossing the street to board; cessation of the east-to-west route on Pine Ridge Road in favor of Golden Gate Parkway; and routing the Immokalee blue line over Interstate 75 and Highway 29 instead of Immokalee Road. In an effort to accommodate more Immokalee residents working in Naples, Mr. Hope also reported that

departure of the blue line from the Immokalee Health Department would be at 5:50 a.m. with return at 7:10 p.m. utilizing transfers for passengers to board other buses. Council Member MacIlvaine observed that much of the early opposition had dwindled because the buses are attractive and serve many people. Mr. Hope also noted that access to Naples Community Hospital was improved by the elimination of speed bumps and closer front door service.

Recess: 12:06 to 4:28 p.m. during which a special meeting was held. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....ITEM 8
REVIEW OF PROPOSED OUTDOOR DINING REGULATIONS, PARTICULARLY IN THE FIFTH AVENUE SOUTH OVERLAY DISTRICT (4:28 p.m.) Planning Director Ron Lee explained that the proposed outdoor dining ordinance (a copy of which is contained in the file for this meeting in the City Clerk's Office) offers three options to address user fees and parking requirements. Director Lee further stated that staff recommends a tiered system wherein restaurants using public rights-of-way would pay \$150 annually for less than 200 square feet, \$300 for 201 to 499 square feet, and \$1,000 for 500 square feet and above. Staff also recommends that outdoor dining provide three spaces per 1,000 square feet, he said, and confirmed that no differential was included for outdoor dining on private or public property. Mr. Lee also confirmed that there was a proposed \$15 administrative fee for outdoor dining on either public or private property but a \$50 processing fee just for restaurants proposing to use public right-of-way. Council Member Tarrant, while stating his support for the fee system, differed with the parking requirements stating that outdoor dining provides a significant public benefit. Mayor MacKenzie also suggested that restaurants using as little as 100 square feet of the public right-of-way be exempted from fees and parking requirements since these areas are usually undesirable for seating because of their proximity to the curb and to traffic. Mayor MacKenzie also proposed a tiered system that imposed a charge from 101 to 499 square feet and another for those using more than 500 square feet. Mayor MacKenzie also expressed disagreement with the staff recommended parking requirement, suggesting that a differential in the parking standard between public and private property would serve to encourage use of private property first.

It was then clarified that no more than an equivalent 25 percent of indoor area could be designated for outdoor dining on public rights-of way although on private property owners may have as much outdoor dining as they wish.

Council Member Galleberg said that because outdoor dining is seasonal, it may not be appropriate to apply certain parking standards to outdoor dining although when outdoor tables are used, adequate parking is needed. Mr. Lee clarified that, except for the Fifth Avenue South overlay district, restaurants are now required to provide 10 parking spaces for every 1,000 square feet of indoor dining whereas the outdoor dining proposal is 3 spaces per 1,000 square feet. He also clarified that only restaurant owners applying for 400 square feet or greater of outdoor dining on public rights-of-way would initially be required to provide 3 sets of plans for initial approval only; larger areas require 12 sets of plans for initial review by City Council. Mayor MacKenzie asked that this section be revised so as to be more easily understood.

In response to Vice Mayor Herms, Planner Susan Golden explained that the proposed ordinance would require either five feet or 50% of the sidewalk, whichever is greater, to be clear for pedestrian passage on public rights-of-way; however no requirements were included for space between the curb and outdoor dining areas. Mr. Herms then predicted that there may not be sufficient sidewalk width for outdoor dining at some establishments on U.S. 41 but sought information on how many restaurants in that area would actually be able to offer it. Mr. Herms also expressed concern that on-

street parking areas in the 41-10 district allocated to encourage redevelopment may instead be used by restaurants to meet parking requirements for outdoor dining. Noting that there are no requirements for additional parking for outdoor dining in the Fifth Avenue Special Overlay District, Mr. Herms stated that imposing parking requirements elsewhere in the City would then not result in a level playing field. Council Member Taylor expressed the view that outdoor dining in the 41-10 may not be compatible with residential uses which the City is seeking to promote there. Planning Director Lee suggested that restaurants in the 41-10 redevelopment area be required to receive individual Council approval. Concern was also expressed for safety if restaurants are allowed to provide outdoor dining too close to the street, particularly on US 41.

Council Member Galleberg indicated his support for the ordinance and pointed out that the Council already has the right to review and approve all uses of on-street parking in 41-10. He noted the desirability of requiring less parking for outdoor dining and of encouraging this use where appropriate. Council Member MacIlvaine said he supported a charge for outdoor dining on public property regardless of the size of the area, and said that he also supported a parking differential between private and public outdoor dining.

City Manager Rambosk then clarified that fees collected under the new ordinance would be used for such things as cleaning and pest control on the public right-of-way areas used for outdoor dining. Council Member Galleberg observed that contrary to initial proposals, outdoor dining fees then proposed are not substantial.

Planner Golden said that a grandfathering section would allow restaurants with outdoor dining to continue operating and predicted that 60 to 90 days should give the pre-existing restaurant owners sufficient time to complete permit applications, although they will not be required to undergo a formal review process. However, Vice Mayor Herms noted wording clarifications needed in this section.

.....**ITEM 7**
DISCUSSION OF ARCHITECTURAL REVIEW BOARD (5:15 p.m.) Planning Director Ron Lee noted that the Council had been provided with flow charts showing the procedures for various types of applications. In response to concerns expressed by Mayor MacKenzie, Planning Director Lee proposed modifying the ordinance to require Council review of the status of the Architectural Review Board (ARB) after one year to determine its continuance. Council Member Tarrant said he did not support an ARB and would not vote in favor of it.

Council Member Taylor expressed opposition to designating the entire community for pedestrian use so as to avoid the amount of traffic which has occurred on Fifth Avenue and stated that all businesses should not be required to have front-facing buildings. Mayor MacKenzie said that following construction the Visionworks and Eckerd's building on US 41, City residents had said that, unlike these structures, public buildings should have front-street entrances. Planning Director Lee suggested adding to the proposed ordinance that front-street entrances be required when appropriate, depending on building location. Vice Mayor Herms however said that sufficient setbacks rather than front-street entrances is the issue citizens are interested in, noting the step-back zoning requirement for Goodlette Road but not sections of U.S. 41, despite the fact that the roads are similar.

After further discussion of provisions relative to Council Member contact with ARB members, Planning Director Lee indicated that he would consult with the City Attorney and revise the proposed ordinance accordingly.

Vice Mayor Herms then commented that based on the various steps which would be required in the ARB approval process, if the applicant does not build within one year, the ARB approval would be null and void even though it could be impossible to complete the entire process in that time. Mr. Galleberg, however, said that he believed that many of the review steps were however intended to be concurrent. Mayor MacKenzie said that while the Council would wait to see how the ARB works, requirements should nevertheless be reasonable. Planning Director Lee said that the issue would be placed on the next regular meeting agenda with changes made as noted.

.....**ITEM 9**
BRIEFING BY CITY MANAGER (5:24 p.m.) It was determined that City Manager Kevin Rambosk would make his report at the regular meeting.

CORRESPONDENCE and COMMUNICATIONS.....
Council Member Taylor reported that she received a letter from the Old Naples Association requesting that shell or gravel be placed in **alleyways** instead of repaving to increase water absorption and provide a more aesthetically pleasing design. Mayor MacKenzie said that the City usually determines the type of paving material but that with concurrence of 51 percent of abutting property owners a different method could be considered. Council Member Galleberg reminded the Council that the following day would be the first mediation **session** for the **Wilkinson House** followed by the request for a subsequent executive session.

ADJOURN.....
5:29 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Annette Thompson, Recording Specialist

Minutes approved: 8/15/01