



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – March 3, 2003 – 8:31 a.m.**

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Mayor MacKenzie called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

**Present:**

Bonnie R. MacKenzie, Mayor  
Gary Galleberg, Vice Mayor

**Council Members:**

Joseph Herms  
William MacIlvaine  
Clark Russell  
Penny Taylor  
Tamela Wiseman - arrived 8:37 a.m.

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**Also Present:**

Kevin Rambosk, City Manager  
Robert Pritt, City Attorney  
Ron Lee, Planning Director  
Tara Norman, City Clerk  
Karen Kateley, Administrative Specialist  
Pamela Koepke, Recording Specialist  
Susan Golden, Planner

Douglas R. Smith  
Gloria Kovacs  
Tim Wynn  
Lou Vlasho  
Jose Aragon  
Jim Boula

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Other interested citizens and visitors.

**Set Agenda .....ITEM 2**

Not Discussed.

**DISCUSSION OF SANDWICH BOARD SIGNS.....ITEM 3**

City Planning Director Ron Lee indicated that he would seek direction from City Council regarding sandwich board signs after a presentation by Planner Susan Golden outlining current regulations, options available, and staff recommendations. (A copy of Ms. Golden's presentation is included as Attachment 1.)

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**It was noted for the record that Council Member Wiseman arrived at 8:37 a.m.**

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Planner Golden advised that sandwich boards are allowed in three zoning districts for restaurant and valet parking only, with different size requirements for each district. She also noted that although the Heart of Naples Committee (HONC) is presently proposing elimination of all sandwich board signs from the "D" Downtown district, if they are allowed within the City, all businesses will want to use them. She clarified, however, that pursuant to an opinion by the City Attorney, the City can only regulate time, place and manner, but not content of the message on sandwich board signs. Also presented was a chronology of meetings regarding sandwich board

signs (a copy of which is maintained in the file for this meeting the City Clerk's Office) indicating discussions on this issue since 1999 with four proposals being presented in January 2003 (Attachment 1, Page 2). She advised that Third Street South and Fifth Avenue South Associations of business owners indicated a preference for sandwich board signs in all commercial zoning districts with specific size, construction material and placement determined by Council; a strict enforcement procedure to ensure compliance was also noted as a goal. Staff recommendations, Ms. Golden said, are to eliminate sandwich board signs, which is Alternative B (Attachment 1, Page 2), but allow for placement of directional signs that all businesses can participate in and restaurant menu board shadow boxes (Attachment 1, Page 4) attached to business façades.

Ms. Golden then displayed photographs of the type of directional signage being used in Venetian Village (Attachment 1, Pages 3 through Page 5). Council Member Russell noted that while he supports much of what staff is recommending, the definition of façade should be refined to allow menu board placement near pedestrian traffic, taking into consideration instances where a recessed entry or columns are present. In response to Mayor MacKenzie, Planning Director Lee clarified that while the façade line is the build-to line, some businesses have awnings that satisfy the build-to requirement. Mayor MacKenzie questioned whether business owners could use the total allowed square footage for signs in any fashion they desired, including applying this to a menu board sign. Mr. Lee confirmed that this is correct.

Council Member Taylor questioned why this issue was again being discussed by Council since approximately a year before merchants had expressed their desire for sandwich board signs; she asked whether any significant problems had occurred since or whether inappropriate material had been observed on sandwich board signs. Ms. Golden however noted that Council had directed staff to conduct additional meetings with business owners and is now seeking direction from Council in order to begin the formal public hearing process with the Planning Advisory Board (PAB). Planning Director Lee also pointed out that due to differing viewpoints among various business associations and staff, it had been desirable to again seek direction from Council. Council Member Taylor stated that assertions by business associations concerned about not being visible to the public had persuaded her that sandwich board signs were appropriate and she expressed her reluctance to make changes in regulations in the current economic environment. Noting that many businesses believe that sandwich boards give more directional appeal than the other options available, Miss Taylor asked whether any problems had been experienced from sandwich boards blocking pedestrian traffic. Mr. Lee responded that there had been no problems, although various business are using sandwich board signs which by Code are allowed only for restaurants; he reiterated however that the City Attorney had opined that only time, place and manner can be regulated. In light of the current Code provisions, staff does not feel that it is appropriate to allow every business to have a sandwich board sign, he said.

Council Member Russell concurred, stating this could result in a proliferation of sandwich board signs; therefore he urged that a means be identified to encourage the use of more effective signs including identifying a distinction between vehicular and pedestrian advertising. Ms. Golden indicated that Council would be hearing testimony from business owners who rent property where owners impose limits on signage, which in turn inhibits attracting pedestrian traffic. Ms. Golden also distinguished Third Street, Fifth Avenue and "D" Downtown, which are pedestrian

districts from the signage needs of businesses on US 41, a highway commercial zoning district. Council Member Russell expressed the belief that there should nevertheless be a limit to the overall number of signage products available for use in these districts.

In response to Council Member Taylor, who again questioned the extent of the problem from a current proliferation of signs now or from one anticipated in the future, Planning Director Lee explained that only three districts allow sandwich board signs, but that staff is finding them in other commercial areas; without enforcement. Staff is awaiting clear direction from Council on whether sandwich board signs will only be permitted in pedestrian-oriented commercial districts or allowed in other commercial districts. Miss Taylor urged caution and sought communication from the business community. Council Member Herms read from Section 983.67 of the Code of Ordinances and questioned whether a sandwich board sign is different from an exempt sign, using the example of a sign containing only a business name of 1 X 2 feet in size and configured like a sandwich board. Mr. Lee stated that this example would in fact accomplish the same thing. Planner Golden explained that each zoning district where sandwich board signs are allowed has differing size and location requirements and recited those for Third Street South, Fifth Avenue South and “D” Downtown. Mr. Lee however confirmed for Council Member Herms that business owners are allowed a two-square-foot sign in addition to another sign meeting the size requirements.

Council Member Russell however urged Council to remain mindful of important distinctions between the aforementioned districts; namely, that buildings on Fifth Avenue are on the property line which offers certain inherent visibility while other areas contain businesses which are specifically set back and therefore seeking more exposure. He questioned the distinction between sandwich board signs and highway commercial monument signs allowed under zoning regulations, other than the former being temporary. He suggested therefore that sandwich board signs have set standards for placement and for design. Planner Golden indicated that the Third Street Association and Fifth Avenue Association favored uniformity in design and materials and staff had found that in other areas sandwich board signs are allowed but under very strict placement requirements. She also noted that sandwich board signs are currently being seen off premises, at corners and intersections, with the business being advertised located as much as half a block away. Council Member Russell confirmed that this had also been his observation, expressing the view that it therefore appears that sandwich board signs are not accomplishing their intended result.

Council Member Herms questioned whether all those using sandwich board signs had been notified of that day’s discussion. Mr. Lee advised that staff had notified Third Street and Fifth Avenue Associations and also noted that association members had participated in a series of meetings with staff regarding this issue. Ms. Golden also advised that in the month of December some 75 notices had been sent to businesses known to be utilizing sandwich board signs regarding a January meeting, at which time a notification was provided of that day’s workshop.

Vice Mayor Galleberg stated that he disagrees that sandwich board signs make a significant impact on the success or failure of a business as opposed to the aesthetics of an area. He also expressed doubt that businesses have difficulty identifying themselves since on Fifth Avenue nine types of signs are currently allowed and that businesses are not limited to one sign each. He

said he therefore believed that sandwich board signs add to clutter and that businesses should choose from a menu of signs and limit the total number of signs allowed. Mr. Galleberg also suggested that an easier division is between the highway commercial type setting and the pedestrian areas such as Fifth Avenue South and Third Street and “D” Downtown, where pedestrian traffic is established, and reiterated his doubt that sandwich board signs have an impact on the consumer. Council Member MacIlvaine also spoke against sandwich board signs, as advertising stating that he felt a shadow box displaying a restaurant menu is appropriate. He also characterized directional signs similar to those presented by Ms. Golden as an excellent way to convey information versus allowing mass advertising.

**Public Comment:** (8:56 a.m.) **Douglas Smith**, representing Bramble’s Tea Room, stated that his business is situated in an alleyway with neither outdoor seating nor common areas on Fifth Avenue. He said he had been using a sandwich board sign since inception of his business in 1996 occupying the same location only during hours of operation. After interviewing customers, Mr. Smith said he estimates that the sandwich board sign accounts for 35-40% of his business cautioning that he would lose business in an already struggling economy. In response to Mayor MacKenzie Mr. Smith said that while a directional sign would be helpful, people may not remember that they have seen his business on the direction sign by the time they reach his location. He also said that unlike Venetian Village directories (Attachment 1 Page 3 and Page 5), Fifth Avenue is not a village of shops and that his is not the only shop lacking street frontage although his is the only shop so situated offering food products. In an interchange with Council Member Russell, Mr. Smith asserted that no type of sign is as useful to his business as a sandwich board and that no pedestrian accidents had occurred involving his sign. Mr. Russell then suggested the possibility of a grandfathering clause for people who already have permitted signs. Although Mayor MacKenzie expressed reservations regarding enforcement of such a clause, Mr. Russell said he did not feel it fair to those who obtained their sandwich board signs legally and have committed no offense, to have their signs taken away. Ms. Golden interjected that Mr. Smith’s business is located in a building where no signage is allowed and that he removes his sandwich board sign each day in contrast to the number of others which remain 24 hours a day, seven days a week; the latter, she said, is therefore a concern.

Council Member Taylor asked whether some form of self-policing were possible among Fifth Avenue storeowners, understanding that business owners not in compliance could cause problems for all merchants on Fifth Avenue. Council Member Russell, however, took the position that compliance is obtained through effective code enforcement, there currently being no code enforcement apparent on Fifth Avenue. Restaurateur Smith presented a drawing of the location of his business (Attachment 2, Page 1) and photographs of his sandwich board sign.

(9:02 a.m.) **Gloria Kovacs**, president of Fifth Avenue South Association, explained that she had taken a poll of association members and determined that not only did not every store on Fifth Avenue desire a sandwich board sign, but most businesses along Fifth Avenue are satisfied with signage currently available. Nevertheless, she said, there are business such Bramble’s and her own business that are not directly on Fifth Avenue and require some additional assistance in directing pedestrian traffic. She added that to eliminate sandwich board signs across the board would be unfair to those businesses that have obtained permission legally, although directories, too are greatly needed. Commenting on code enforcement, Ms. Kovacs noted that there are

businesses which are not in Code compliance but which have not been so notified. She then referred to letters which she and Jose Aragon of the Third Street South Association had forwarded to Planner Golden (copies of which are contained in the file for this meeting in City Clerk's Office) recommending that, if allowed, sandwich board signs be uniform in design. Mayor MacKenzie cited the Council's dilemma as the possibility of a proliferation of sandwich board signs since the City cannot set limits on which businesses are allowed to have them. While the City is not trying to be intrusive on businesses, she said, the potential for compromising the health, safety and welfare of the public should the legal extreme occur and each business post a sandwich board sign. Ms. Kovacs suggested drafting clear requirements, which could be easily enforced. Mayor MacKenzie however reiterated that the City cannot stipulate that certain businesses are allowed to have sandwich board signs; either all businesses are allowed to do so or none may have these signs.

Council Member Herms asked whether the Fifth Avenue Association had ascertained the total number of sandwich board signs in existence. Since neither Ms. Kovacs nor the staff had undertaken a count, Mr. Herms suggested that the Fifth Avenue Association do so and provide this information to Council to assist in the decision making process. Mr. Herms also urged that each business on Fifth Avenue, regardless of their membership in the Fifth Avenue Association should be notified of Council's discussion of this issue. Ms. Kovacs replied that a notice was placed on the front page of the Fifth Avenue South Association newsletter.

Council Member Taylor asked whether there was a means for the Association to make businesses aware of violations and their consequences. Ms. Kovacs cited the aforementioned newsletter but also cited difficulties with non-members taking advantage of special events and street fairs, although the blanket permit for such events covers only the Association's membership and obtained in its name. However, she said that any corrective action often causes hard feelings. In response to Council Member Herms Ms. Kovacs confirmed that special events permits and the necessary insurance covers only members of the Association. City Manager Rambosk confirmed this.

(9:14 A.M.) **Tim Wynn**, a representative of Wynn's Market on Fifth Avenue suggested that a total number of allowed sandwich boards be set and businesses be granted permission on a first come basis. Planning Director Lee recommended against this proposal because some businesses would be denied the right to have sandwich board signs. Mr. Wynn stressed the advantages to his business from its sandwich board sign whose effectiveness could not be replaced by either a shadow box menu sign or a perpendicular sign. Council Member MacIlvaine however praised the effectiveness of perpendicular signs. In response to Council Member Herms Planning Director Lee indicated that perpendicular signs are among the approved types of signs. In further discussion, Mr. Wynn indicated that the information on his sandwich changes daily for specials and other promotions.

City Attorney Pritt reiterated that only time, place and manner, not content, can be regulated and while a lottery appears not to be a matter of content, cutting off the only means of communication for businesses is not permitted and could result in legal challenge. Nevertheless, Mr. Pritt said that he would research case law further with reference to limiting the number of signs allowed.

(9:31 A.M.) **Lou Vlasho**, who identified himself as the owner of three businesses on Fifth Avenue, expressed dismay that the issue of sandwich board signs is being discussed since no complaints had been registered, pointing out that not all restaurants use sandwich board signs. While he said he was unsure how effective they are as advertising tools, menu boards and sandwich board signs are all, in his opinion, necessary for business. Mr. Vlasho instead proposed standardization and proper enforcement as beneficial and reiterated his concern that an issue was being discussed when no problem exists. Mr. Vlasho also reiterated he utilizes all types of approved signs at his businesses and has complied with the approval process required by the City and that he strongly believed that the businesses on Fifth Avenue would not hesitate to alert the City if there is a problem.

**Jose Aragon**, president of Third Street South Association and a business owner, supported sandwich board signs being allowed for all businesses as long as the signs are uniform and placed on private property. Mayor MacKenzie asked whether existing directional signs on Third Street South had been beneficial; Mr. Aragon said that they had been helpful. Planning Director Lee distinguished Third Street, where buildings are constructed to build-to lines affording the opportunity to use private property; nevertheless this still leaves open the possibility of a proliferation of signs. Council Member Russell however observed that businesses with sandwich boards may compete to be more noticeable.

Mrs. Kovacs indicated her willingness to inventory Fifth Avenue but stated even though the Fifth Avenue Association had expressed a desire for uniformity creativity should also be allowed. She said however that since there had been no complaints, it was not necessary to address the issue of sandwich board signs. Council Member Russell asserted that Council should however anticipate potential problems and that there is currently what he described as a situation of non-compliance.

Mayor MacKenzie explained that two issues had arisen with regard to sandwich board signs: that a previous Council had noticed a proliferation of sandwich board signs contrary to the Code, and the City Attorney had brought to Council's attention the aforementioned legal question regarding regulation. In further discussion it was clarified that Section 106 of the Code of Ordinances addresses signage Citywide, with the exceptions already mentioned, although contrary to the Code, businesses in other areas utilize sandwich board signs. Mayor MacKenzie received confirmation from Planning Director Lee that the City is responsible for enforcing requirements contained within individual PD's. Expressing the view that the current ordinance provisions are confusing, Mayor MacKenzie expressed the hope that the situation would eventually be rectified and that more easily enforceable regulations could be implemented. Ms. Golden suggested consideration of uniform size requirements for all sandwich board signs. Planning Director Lee clarified that perpendicular signs are among the nine choices available to businesses on Fifth Avenue South and acceptable under the current Code.

Council Member Russell said that he believed the goal had always been to permit sandwich board signs on a limited basis and used in a manner compatible with pedestrians. Despite legal issues noted by the City Attorney, he said he did not feel that the City was abruptly changing course but was instead attempting to find a means for limited use of sandwich board signs. He indicated support for staff recommendations although he said he could also support a grandfathering clause to acknowledge those lawfully permitted signs.

Mayor MacKenzie summarized questions to be addressed by the City Attorney; namely, definition of façade, legal standing on limiting and allocating the number of signs, and use of a grandfathering clause. It was clarified that Ms. Kovacs would inventory sandwich board signs on Fifth Avenue while Ms. Golden will poll other areas. Mr. Pritt indicated that he could have a response by the first City Council meeting in April.

Vice Mayor Galleberg took the position that the current regulations are in fact not overly restrictive, particular in light of other cities surveyed where sandwich board signs are prohibited except for special events with special permits; none of the communities allow sandwich board signs to the extent allowed in Naples. Based on the perspective of Consultant Duany in creating an appropriate atmosphere for Fifth Avenue, Mr. Galleberg stated that a single external sign band, pedestrian shingles, and signage on the vertical drip of a awning should be the types of signs utilized in the district. Council Member Herms, however, stated that absent complaints he remained unconvinced of a problem with sandwich board signs and that, based on testimony heard, they do benefit many businesses which would be adversely affected if prohibited. Council Member MacIlvaine indicated concurrence with the position expressed by Vice Mayor Galleberg and agreed that the City should be proactive in this instance. He recommended Option #2 (Attachment 1) eliminating sandwich board signs and allowing directional signs and menu boards attached to facades. Mr. MacIlvaine also recommended against grandfathering existing signs due to difficulty in enforcement.

Council Member Russell, however, referred to Carmel, California, which he characterized as a very restrictive community, which has successfully implemented directional signs. He said that directories can be more elaborate than merely listing the names of businesses and that he believed that revision of the Code in this regard is appropriate, including a grandfathering clause similar to that applied in other instances. Council Member Wiseman recommended considering the Winter Park example, which requires uniformity of size and placement and pedestrian clearance. (A copy of this and other sample ordinances are contained in the file for this meeting in City Clerk's Office.) She said she felt that directional signs have merit but said she did not believe funding and introduction should be the City's responsibility. Nevertheless, Mrs. Wiseman said, she found other violations more offensive than sandwich board signs such as merchandise being sold outside and dry-erase boards utilized as sandwich board signs. She also predicted that eliminating the signs altogether is going to demand more of Council's time without appreciable results.

Council Member Taylor said she was convinced that the issue regarding sandwich board signs had not been initiated by business owners, noting their importance to businesses which would find it difficult to be without them. She also expressed doubt regarding future projections of problems, which could be addressed when they occur. Miss Taylor said she does not support eliminating sandwich board signs and agrees with the Third Street South Association's suggestions of uniformity which she said should be applicable to every district Citywide. She urged Council to defer any action due to the negative impact on the City's businesses.

Stating that Council had narrowed the choice to Options B and D (Attachment 1), Mayor MacKenzie indicated that alternatives for each option should be presented to the Council at its

future discussion of sandwich board signs. City Manager Rambosk also suggested that compliance notifications should be made as well as notification provided to businesses in all districts that amendments are being contemplated. City Attorney Pritt recommended that Council continue to review Option A. In response to Council Member Herms Mr. Pritt indicated that case law issues would affect Option B and added it may be more legally allowable to eliminate sandwich board signs altogether than to allow only certain sandwich board signs and disallow others. Mayor MacKenzie clarified proposal B eliminates all sandwich board signs but allows directional signs and menu boards affixed to facades, which are clearly not sandwich boards. Council Member Russell then received confirmation from Planning Director Lee that directional signs are allowed in the three of the aforementioned if placed on public property to the benefit of the pedestrians; nevertheless, Mr. Russell noted, staff had suggested more directional signs in strategic locations. Since menu boards affixed to facades were also allowed in all three districts, Mr. Russell said that Option A is the only apparent choice available, and Mr. Lee explained that with Option B staff was attempting to clarify sign usage and perhaps increase the allowable size of menu boxes to increase visibility.

City Manager Rambosk pointed out that Council's decision is whether to permit sandwich board signs throughout the City and, if so, hold people accountable which would not violate their constitutional rights. Mr. Rambosk said he did not feel knowing the exact number of sandwich board signs are already in place was applicable to the decision before the Council that day. However, Council Member Taylor said she believed that it does matter how many sandwich board signs are in existence and if there is a perceived problem or potential problem, the current situation should be ascertained. Mr. Rambosk suggested that staff assemble more background information in an effort to assist Council in making its decision. He also pointed out that in certain districts sandwich board signs can be placed on private property, although restrictions could be considered if sandwich board signs would be placed in the right-of-way. Mayor MacKenzie expressed the view that if sandwich board signs are to be allowed anywhere, they need to be allowed throughout the City's commercial districts. Mrs. Wiseman urged however that the issue be dropped if no consensus can be reached to direct staff in a particular course.

***Consensus to allow sandwich board signs Citywide and authorize staff to return with recommendations on standards for size, placement, uniformity, and hold harmless clause possibilities.***

Mr. Rambosk stated that staff would welcome suggestions and proposals from the various business associations.

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**Recess: 10:12 a.m. to 10:22 a.m. It is noted for the record that all members were present when the meeting reconvened except Members Wiseman and MacIlvaine who returned at 10:23 a.m.**

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**DISCUSSION OF NEON SIGNS.....ITEM 4**

Noting that the Collier County ordinance prohibiting neon signs is not applicable in the City, City Manager Rambosk noted that some neon signs in the City may nevertheless predate 1998, when the City ceased issuing permits for them. Even then, he said, there is the possibility that some neon signs may be in use without proper permitting. He clarified for Mayor MacKenzie that neon banding, whether in a window or configured around the side of building, nevertheless constitutes a form of advertising and is controllable within the current ordinance.

Planning Director Lee stated that the City's sign regulations had, in 1998, added neon signs to those, which are prohibited, although the County ordinance also includes an amortization



schedule as opposed to the City's grandfathering clause. With reference to neon signs inside businesses which could be viewed from outside, City Manager Rambosk explained that staff would evaluate whether it is used for direct advertising or whether it is so close or in a window to affect advertising in which case it would constitute a violation. It was also learned that other types of signs inside a business are, however, exempt. Council Member Russell, however, took the position that a business operator has a right to decorate interiors, although window advertising should be regulated. Planning Director Lee clarified, however, that when a property redevelops or the business use changes hands, the merchant must then comply.

Council Member MacIlvaine asked whether it would be possible to review permits by issuance date to determine which neon signs are allowed. Cautioning that this would require an extensive staff effort, Mr. Rambosk said he would determine whether this could be done although the staff is not currently comfortable with identifying grandfathered signs from those which are not grandfathered. Mayor MacKenzie determined from Planning Director Lee that the Code is not clear on the allowable space within the confines of the window versus an area removed one foot or less from the window. City Attorney Pritt advised if the intent is to ban neon then the City should ensure that a business cannot place a neon sign back from the window versus placing it on or at the window. Mr. Rambosk added that in making a case, enforcement must demonstrate that the message is in fact advertising with the decision arbitrated by the Code Enforcement Board. To halt the use of neon signs for advertising, City Attorney Pritt said that the City must make it illegal for a sign to be seen from public property, which will make it possible for inspectors to enforce the ordinance. Mr. Russell stated it appears clear that the Council does not want business windows filled with neon advertising.

Council Member Wiseman said a survey of the 400 block of Fifth Avenue South had yielded some eight examples of neon usage which were most likely installed within the last year. Mayor MacKenzie said if the neon signs are inside it would constitute a significant loophole in the City's regulations. Council Member Herms agreed and pointed out that many of the neon signs illegal in the County are open/closed signs and are inside buildings, although those made from LED's as opposed to neon appear to be permissible. City Attorney Pritt explained that to include those types of things the language must be clear and inclusive.

In light of the free speech discussion on sandwich board signs, Vice Mayor Galleberg questioned the rationale for distinguishing pre-1998 and post-1998 neon. Mr. Pritt said under the time, place and manner constraints, neon signs apply to manner, which means the message is not being regulated, just the manner or method in which the message is conveyed. In further discussion, Mr. Pritt said grandfathering is common in zoning and land development, but with signage there could be an issue as to the rational basis therefore the analysis comes down to whether the City has narrowly tailored the ordinance to meet its goals.

Council Member Russell said that he feels the current Code, if properly applied and enforced, will meet all the goals. Council Member MacIlvaine, however, said he did not feel that the current Code is enforceable because it is unknown which businesses fall within the grandfathering clause. He added if neon signs are going to be visible through a window, the City should establish a certain footage of setback from the window to allow code enforcement to effectively administer this ordinance.

*Consensus to follow staff recommendation and not make changes to the neon sign ordinance.*

**BRIEFING BY CITY MANAGER.....ITEM 5**

City Manager Kevin Rambosk reported the Norris Community Center project is slightly behind schedule due to asbestos removal and abatement procedures, but opening will however occur as planned. The Seagate Park infield is complete and finalization of retention areas and fencing on schedule. Urban tree trimming is taking place in the southern portion of the City on both hardwoods and coconut trees and will be moving throughout the City. Staff is working on landscape cleanup along US 41 and has removed a majority of dead materials; stones have been raked out as much as possible and in some areas attempts at mulching to improve the appearance. Nevertheless, staff is proceeding cautiously awaiting Florida Department of Transportation (FDOT) approval to move forward with median improvements. Mr. Rambosk explained that cul-de-sac restorations are in progress throughout the City, and staff is examining restoration of 11<sup>th</sup> Street and Dawn Circle areas as well as Royal Harbor. Mr. Rambosk advised homeowners associations have been notified regarding the time schedule. He then advised that several hundred students from both public and private schools have completed and graduated from the D.A.R.E. program and expressed gratitude to PESD for its efforts in this regard. Mr. Rambosk announced an upcoming joint spill containment training program with the goal of ensuring more persons than necessary becoming fully certified to respond effectively in handling any type of initial spill containment that may be encountered.

**REVIEW OF ITEMS ON 03/05/03 AGENDA.....ITEM 6**

**To be added:** City Manager Rambosk requested formation of a committee to rank executive search firms, and a discussion regarding local legislation to be proposed to the Collier County Legislative Delegation to retain documentary stamp funding for the affordable housing SHIP program. He added there might be a last minute request relative to co-sponsorship of the St. Patrick's Day Parade on March 15. **Item 6** (Rezone, 1400 Gulf Shore Blvd. North) Mayor MacKenzie requested inclusion of "shall be permitted" in the resolution. **Item 7** (Rezone, 4540 Gordon Drive) Council Member Russell requested that any comment from the Port Royal Association be relayed. Vice Mayor Galleberg requested a zoning map showing City properties that might be similarly affected by this issue relative to precedent and sought what he described as a wider understanding of what the City intends to accomplish. **Item 9-a** (Approval of Minutes) Miss Taylor requested a change in the February 5 regular meeting minutes from "James and Charles Kessler", to "James Kessler and Charles Kessler". **Item 9-b** (McCabe's St. Patrick's Day Celebration) Mayor MacKenzie asked whether dates for the celebration have been approved by the Naples Players and also clarification on times for the scheduled live entertainment. **Item 9-b-2** (Teddy Bear Fair) Vice Mayor Galleberg asked whether other events had been scheduled for the same day and how it had been handled in prior years. **Item 9-c** (Interlocal Agreement/Fourth of July) Mr. Galleberg requested a separate discussion for alternatives if Tourist Development Council (TDC) funding does not materialize and clarification on what the City has traditionally funded for the parade and fireworks display. He also noted in the agreement the City has notice going to a private citizen on behalf of the City and Mr. Galleberg said he thinks this is inappropriate. **Item 9-e** (FPL service) Mayor MacKenzie requested a status of FPL franchise agreement with the City and clarification on when the agreement expires. **Item 13** (Audit) Vice Mayor Galleberg requested a membership list for the Audit Review Committee. **Item 15** (Bonds) Mayor MacKenzie questioned whether she should abstain from voting because of personal bank accounts in the institution handling the

transaction and expressed her concern for the proposals being past the expiration date. **Item 16** (Lowdermilk concessions) Council Member Russell asked whether the City had previously done business with the concessionaire and requested a history of City's business arrangements with the concessionaire at Lowdermilk Park due to numerous complaints regarding hours of operation. Council Member Herms added he had also received complaints on the variety and quality of food products offered by the concessionaire. Vice Mayor Galleberg requested clarification on gazebo rentals for private gatherings.

**PUBLIC COMMENT.....**

(11:01 a.m.) **Jim Boula, 702 Broad Avenue South, Village of Crayton Cove**, noted at the presentation of the prior year's audit special attention to the City Dock Enterprise Fund had been promised. Later, during budget review the idea of a separate, comprehensive audit of the City Dock Enterprise Fund was discussed and the Naples Daily News had reported this fact. However at the end of the fiscal year in September 2002, Mr. Boula said he had telephoned Finance Director Ricardi who had indicated the audit would be done concurrently with the next City Audit; however the prior Friday Ms. Ricardi had told him that the Naples City Dock Enterprise Fund would in fact not be presented because there was no funding for this audit. Mr. Boula asked why the audit that had been promised and agreed to has not been done. He said the impression he received was staff had been so instructed by Council.

**CORRESPONDENCE AND COMMUNICATIONS.....**

Council Member Wiseman advised that complaints had been received regarding the public restroom signage on Fifth Avenue South. Council Member Russell said he had also received complaints regarding public restrooms not being open on weekends or during special events. He also requested further information from staff regarding the overpass (Airport Road/Golden Gate Parkway) issue. Mayor MacKenzie requested clarification on the costs to the City along Golden Gate Parkway in conjunction with overpass construction. Council Member MacIlvaine reported continued complaints about the structure on the corner of Park Shore and Belair regarding construction debris not being stored behind fencing. Council Member Galleberg requested status on the proposed Third Street North improvements, noting that he had received complaints regarding lack of responsiveness from City staff. Mayor MacKenzie asked for clarification regarding monies being set aside in the Capital Improvement budget for the Third Street North improvements. Council Member Herms requested clarification regarding a letter received from Jim Boula on the actual number of City Dock slip vacancies. Council Member Taylor requested information on band shell landscaping plans, strategies for the reduction of pedestrian traffic on turf in Cambier Park, emptying of trash containers prior to special events, and improvement of public restroom directories. Mayor MacKenzie asked about restoration plans of areas throughout the City that have been used for construction staging and requested clarification on a Code standard for reclamation on damage incurred by construction vehicles.

**ADJOURN** .....  
**11:14 a.m.**

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Bonnie R. MacKenzie, Mayor

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Tara A. Norman, City Clerk

Minutes prepared by:

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Pamela M. Koepke, Recording Specialist

Minutes Approved: 4/2/03