



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

**City Council Town Hall Meeting – Thursday, March 6, 2003 – 6:01 p.m.
(River Park, Lake Park, Avion Park and Old Naples)**

Mayor MacKenzie called the meeting to order and presided.

ROLL CALL ITEM 1

Present:

Bonnie R. MacKenzie, Mayor
Gary Galleberg, Vice Mayor

Council Members:

Joseph Herms
William MacIlvaine
Clark Russell
Penny Taylor

Absent:

Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
David Lykins, Comm. Services Director
Robert Middleton, Utilities Director
George Archibald, Traffic Engineer
Ron Lee, Planning Director
Steve Moore, Chief of PESD
Tara Norman, City Clerk

John Barkley, Community Policing Officer
Robert McGregor, Community Policing Officer
John Eaton, Community Policing Officer
Jon Staiger, Natural Resources Manager
Fred Coyle, Collier County Commissioner
See also following pages

WELCOME BY MAYOR..... ITEM 2

Mayor MacKenzie announced that the purpose of the meeting was to hear concerns from residents. She then introduced City Council Members and County Commissioner Fred Coyle. She also advised that a vacancy exists in the Sector 4 seat on the Citizens' Police Review Board and that applications were currently being accepted.

PRESENTATION BY STAFF..... ITEM 3

City Manager Rambosk introduced department directors present. Community Services Director David Lykins then listed major projects in progress: demolition and reconstruction of the Norris Community Center; the demolition of Lowdermilk Park pavilion with construction to begin immediately; presentation of the final funding request for the Lowdermilk Park project to the County Commission; continuation of Seagate Park redevelopment, which is nearing completion; review of the Fleischmann Park design elements regarding drainage improvements; and expected completion of the River Park Community Center has only the swimming pool and a small portion of the playground remaining.

City Manager Rambosk said that the final engineering report regarding the City Dock would be presented to the City Council.

City Traffic Engineer George Archibald reported that the design phase for US 41 surface improvements is nearing completion and will include repairs to the storm drainage systems, which is considered the root cause of the highway's surface problems. Two resurfacing contracts will be awarded: one from Old Trail south to 22nd Avenue North and the other from 22nd Avenue North to 10th Street South. With the main concern being traffic control, plans are being reviewed that will address a detour to Goodlette-Frank Road and Airport Pulling Road. Mr. Archibald said the project would be bid this year and construction is planned for the summer of 2004.

With reference to sidewalk improvements, Traffic Engineer Archibald said staff had been addressing sidewalks on collector streets and beach access streets as well as completion of sidewalks where there are missing links. He said that the plan would be presented to Council in the near future. Another item being researched by staff, Mr. Archibald said, is a traffic calming study in which several groups would review conditions on designated streets to identify necessary improvements which will then be recommended to Council.

In further discussion of the U.S. 41 overlay and drainage improvements, City Manager Rambosk indicated that traffic would not only be routed outside the City, there would be an issue of traffic on adjacent interior City roads. At that time, he said, a group made up of neighborhood and homeowner associations was being formed to work with the City's engineering staff and law enforcement to examine solutions to protect the integrity and safety of streets and sidewalks during the overlay and drainage improvement process. Some of the solutions being discussed are signage reaffirming the no truck route streets, placing law enforcement on special duty details on target streets that will move south along with the project, and recouping costs of these activities from the State. All plans will be in place when the project begins, he said.

Council Member Taylor inquired about nighttime construction. City Manager Rambosk explained that a televised workshop would be held with Florida Department of Transportation (FDOT) representatives where final plans for the project would be presented to Council along with options for the overlay and drainage system. Mr. Rambosk invited the comments of all business owners and residents who would be affected by the project and assured those present that there would be numerous options and incentives to discuss.

Mayor MacKenzie recognized the various homeowner association representatives present at the meeting.

COMMUNITY ISSUES/PUBLIC DISCUSSION.....ITEM 4

Erika Hinson, President, Old Naples Association, expressed appreciation for the town hall style forum which, she said, allows everyone to be heard. She then commented on City Manager Rambosk's impending retirement noting that he would be sorely missed. Mrs. Hinson also thanked staff who accompanied the bus tour of Old Naples and their quick response to issues raised; she also expressed appreciation for the use of the Cambier Park Bandshell and the memorial tree located by Community Services staff to commemorate the past Old Naples Association President Kim Prince.

Characterizing Old Naples as a unique entity, Mrs. Hinson said that the association's goal is to preserve and protect the charm and character of their neighborhood. Mrs. Hinson then said, with the approval of Hamilton Harbor, City Council should be vigilant in its settlement agreement, which is for Hamilton Harbor to actively participate in the restorative efforts of Naples Bay. Water quality is a large concern for those neighborhoods that border the Bay, she said, and indicated that the Old Naples Association supports a joint City-County venture to acquire Boat Haven as a community boat facility and park.

With reference to sidewalks, Mrs. Hinson stated the disruption of tree-lined streets as the Association's objection, especially along Gulf Shore Boulevard where some of the homes were built prior to current setbacks. These homes, as well as the historical homes, should be preserved, she said, and urged Council and the Planning Advisory Board (PAB) to work closely with the Collier County Historical Society to prevent further destruction, as had recently occurred with the demolition of the Old Naples structure known as the carriage house.

Mrs. Hinson also said that through traffic is a major issue on many neighborhood streets and that enforcement is the key to the solution. She said the area is still supportive of alleyway maintenance, however, utilizing crushed shell instead of paving is preferred as not only less expensive, but is also more conducive to drainage and slower traffic speed; however, since the Association had discussed this with the City, an alleyway in the neighborhood had nevertheless been paved.

Mrs. Hinson said the Association's last concern involves noise levels in areas where commercial abuts residential and the City should be encouraged to actively enforce the noise ordinance and possibly even revisit the issue. She suggested requiring mufflers on leaf blowers as well as enforcement of the time when early morning trash collection and construction is allowed. However, to alleviate law enforcement of the responsibility for noise enforcement, she suggested that enforcement similar to the beach parking patrol be implemented for this purpose. Mayor MacKenzie said the City genuinely appreciates the close working relationship with the Old Naples Homeowner's Association.

Caroline Herms, President, Lake Park Homeowner's Association, requested new street lighting in the area and expressed concern regarding storm drainage repairs. Another issue she inquired about is the City's policy regarding lake maintenance and the laws addressing the dumping of refuse into the lakes. Mrs. Herms also advised that prohibited trucks are still using Seventh and Tenth Streets as a route from US 41, Tenth Street and Goodlette-Frank Road.

Don Wingard, Gulf Shore Boulevard South, said there are a series of petitions currently being developed regarding the installation of sidewalks in Old Naples, however, there is strong opposition from the residents. Mr. Wingard presented a petition which residents of Gulf Shore Boulevard South are planning to sign and present to City Council (a copy of which is contained in this meeting file in the City Clerk's Office). In response to Mayor MacKenzie regarding the opposition being heard, City Manager Rambosk stressed that as per Council direction and policy, even though staff is considers various sidewalk locations, Council has never approved a sidewalk placement where affected residents object.

Steve Briggs, Gulf Shore Boulevard South, also voiced his opposition to sidewalks in his neighborhood. He also requested tree beautification and restoration in Old Naples and enforcement of beach parking regulations during the winter tourist season. He suggested mimicking the public transportation system in Santa Barbara, California. Mr. Briggs also encouraged the retention of historic homes versus the approval of mega-houses, which fill lots and reduce air and green space. He requested shell surfaces versus paving in alleyways and volunteered to contribute toward having the pavement replaced with shell in the alleyway behind his home. Mr. Briggs also noted that the stop sign at the end of this particular alleyway is in poor condition which adds to the problem of users failing to stop. Mr. Briggs then suggested routes, which could be connected that would create a continuous pedestrian path from the Fishing Pier to the City Dock, which are two of the most visited locations in the City.

City Manager Rambosk advised that recently there had been several requests for alley restoration and shell had been utilized, which is less expensive, and he said if there is interest in this strategy, to notify his office.

Don Wingard, who said he lives on the same alleyway as Mr. Briggs, reported that the resurfacing had raised the elevation above his guesthouse and noted that the alley also has high points where it intersects with Second Street South and at Gulf Shore Boulevard flooding after a heavy rain. He said he had been advised the City was not responsible for the flooding and that the alley had been paved because of one resident's request. While he said he was unsure how this particular situation had occurred, City Manager Rambosk advised that the accepted practice is to notify homeowners to ensure the improvements correlate with the residents' desires and needs.

An Unidentified Speaker said he lives on this same alleyway and he too was not contacted regarding the paving. City Manager Rambosk advised he would research this issue.

Liz Krieger said that her property also abuts the aforementioned alleyway which she described as having a considerably higher elevation than her yard, which always floods when it rains. She said the request for paving had come from a neighbor because his car was getting dusty. Mrs. Krieger stated she called FDOT requesting the paving commence at this neighbor's driveway but was told that once a decision is made there could be no change. City Manager Rambosk advised he would send personnel from the Engineering Department to examine the flooding problem.

Peter Gault, 365 First Avenue South, advised that flooding of his property has resulted from construction of a mega-house built directly next door but with the assistance of City Manager Rambosk and Council Member Herms, a wall was constructed to keep the water from entering his yard. However, despite the wall, the runoff is now entering from the alley, which is capped and crowned, and acts as a dam rather than a conduit. Mr. Gault said the residents on his block organized and submitted a petition requesting the alley be constructed concave in an effort to drain the water into the street, where it could enter the storm drainage system more effectively; another mega-house is being constructed which will exacerbate the problem, he added. City Manager Rambosk advised the request had been received that week and that the Engineering Department had been instructed to contact him.

Ann Tetters, Eighth Avenue South, said that while she understood opposition to sidewalks by residents of Gulf Shore Boulevard South, she supported installation of sidewalks in the interest

of safety since bike paths are too narrow and too close to traffic for pedestrians. Mrs. Tetters also said that while she also supports special events, parking in the yards had been a problem for many years; she therefore asked for regulations preventing parking on the bike paths and encroaching into yards. She also said that when she reported to police vehicles blocking fire hydrants she had been told that officers were not enforcing this in an effort to support community events. Another request Mrs. Tetters expressed was for more trash receptacles and a reduction of noise levels incidental to construction or landscape maintenance early in the morning and in evenings and on weekends.

Council Member Russell agreed that parking during special events is an issue that should be addressed. With regard to sidewalks and lighting, he however noted that there are some neighborhoods who desire the improvements and other who do not. City Manager Rambosk reiterated that sidewalks are not approved by Council without resident support but with placement of light poles, the majority support is considered. Council Member Taylor cautioned however that if standard overhead lighting is installed on tree-lined streets, those trees would be routinely trimmed by Florida Power and Light (FPL). Mayor MacKenzie advised there is funding available in the Capital Improvement Program CIP for sidewalks and lighting, however in a study of costs to install lighting Citywide, it was found to be extraordinarily expensive. She added however that if neighborhoods wish to have lighting, their financial participation would facilitate the project.

Ronald Bell expressed concern about runoff directed to older homes by new construction although he said he had been assured by the City Engineering Department that the stormwater drainage system was adequate. Mr. Bell said another problem which exacerbates yard flooding is alleyways, which cause yard flooding because they are lower in the middle. He recommended that the City research solutions to these problems, adding that during times of high water it has become necessary for he and his neighbors to resort to sandbagging.

With regard to sidewalks, Mr. Bell suggested asphalt versus concrete. He also mentioned the lack of crosswalks into commercial districts and mentioned Bayfront Marketplace where pedestrians must leave the sidewalk and enter via the driveway. In reference to the Pulling Property donated to the City, Mr. Bell suggested building a parking area there with a tram service to discharge pedestrians at the beach, Fifth Avenue and other areas, which could prevent illegal parking downtown.

Allen Parker expressed concern regarding what he described as egregious airport noise and the non-compliance of aircraft using Runway 2-3, which directs aircraft over the Gordon River, and heading due west at Fifth Avenue. Mr. Parker suggested adopting plans similar to those at George Washington National Airport and John Wayne Airport in Santa Anna, California, which have implemented successful noise reduction plans. Mr. Parker also suggested Council request a detailed report on noise abatement procedures and possibly hire an expert to review these procedures at the Naples Airport to ensure efficient control of noise levels and safety. Mayor MacKenzie advised the Naples Airport Authority meets quarterly with the City Council and that Council could ask that these concerns be addressed. County Commissioner Coyle said a departure route down Naples Bay would clearly impact the least number of people, which, while that was proposed several years ago, it had met with strong opposition. Mr. Coyle also noted that despite the on-going struggle he still believed solutions can be found.

Clifford Prince, Eighth Avenue South, said in previous years aircraft would ascend straight over Port Royal, to which extensive opposition was voiced, therefore changes were incorporated. Now, he said, aircraft fly over St. Ann School many times daily although the clear alternative is to route aircraft down Naples Bay, Port Royal residents notwithstanding.

An **Unidentified Speaker** referred to the Jepson Manual which states that at the Naples Airport pilots departing on Runway 2-3 are directed to turn left when stable, and questioned the reasoning behind the non-enforcement. Council Member Russell said he too has noted that the required route down Fifth Avenue South is rarely used by aircraft.

Clifford Prince expressed the view that in fairness to everyone the City is obligated to continue the sidewalk from Fifth Avenue South to the Fishing Pier along Gulf Shore Boulevard South. Mr. Prince said, regarding the issue of parking, that the Avenues in Old Naples are 100 feet wide and therefore afford substantial area available for parking and that those who place rocks in the right-of-way to discourage the parking pose a serious hazard to drivers who may have to suddenly leave the roadway. Mr. Prince suggested the City remove these rocks as soon as possible and suggested parking areas in rights-of-way be designated. Mr. Prince then concluded with the suggestion that the Naples Airport, which he said is used by a privileged few, be sold and developed.

Mayor MacKenzie said there has been serious discussions regarding the allocation of air traffic and verified there are six airports in Collier County, although only three are familiar to most residents. She further said that she feels the Immokalee Airport is a potential opportunity to divert traffic coming into Naples, however, there are serious issues regarding traffic congestion on Immokalee Road. She said she had suggested that the County dedicate travel airport lanes on Immokalee Road, which would seriously reduce vehicular delays. County Commissioner Coyle pointed out that Immokalee Road is in fact being widened, but dedicated lanes are not being installed to the Immokalee Airport because there has not been appreciable traffic to that destination. He did say if the City could commit to diverting air traffic to the Immokalee Airport then he would obtain the dedicated travel lanes.

Judith Churgwin, 10th Avenue South, said her family had been in residence for over 50 years and stated the reason the sidewalk stops at Fifth Avenue South is because the residents wish to maintain the original character of Old Naples and urged City Council support for this position. She said she had provided various City departments parking regulations from cities which have successfully allowed resident parking but prohibited non-resident parking. She reiterated her opposition to extending sidewalks anywhere in the City and said she supports paving alleyways with shell. She also complained about objectionable airport noise in her neighborhood which she said renders conversation impossible, and suggested converting the airport to green space and passive recreation.

Paul Arsenault said he previously suggested a land repository where historic structures like the aforementioned carriage house could be relocated. He asserted the value to the community of historic structures like the Wilkinson House and sought City support for their preservation. With regard to alleyways, Mr. Arsenault related that in fact, because just one resident abutting the alleyway requested paving, it had been installed; subsequently it had become known that shelling

had been an option. Also, when street lighting had been installed, Mr. Arsenault said that his request that it be placed so as not to shine in his bedroom window had been met with the explanation that the fixtures would not be lighted. However, the lights are now on and shine directly into his bedroom, he said.

Council Member Herms said he, Commissioner Coyle and Council Member Taylor believed the Wilkinson House to be an important issue and that each had spent considerable time and effort in an attempt to save it. He explained that current litigation involving the structure is principally due to the residents next door not wanting it destroyed because it would eliminate their view of the Gulf. Council Member Herms cited alternatives open to residents to preserve the structure: mount a petition drive to either request an ordinance creating deed restrictions; petition for a City charter amendment; or lobby extensively for votes on the City Council to save the house. Council Member Russell however stressed that a decision on the Wilkinson House not been made and that he wished to entertain all offers in an effort to obtain all pertinent figures which would facilitate a decision in accordance with the litigation.

Tom Gordon expressed concern relative to noise from construction trucks, aircraft and landscapers and said he feels four-way stops are not feasible to calm traffic. Another concern he expressed related to what he described as unsightly drainage pipes on the beaches, which had been presented to the Board of County Commissioners several weeks before and on which the City Council had not taken a position. Mr. Gordon expressed appreciation to the PESD concentrated effort in slowing vehicles throughout the City, however, he said efforts need to continue as speeding is a serious problem in Old Naples. Finally, Mr. Gordon suggested extending Third Avenue South from Tenth Street to Goodlette Road.

Marlin Brennan, Lake Park Neighborhood Association, said he had had previous conversations with the City Manager regarding a sidewalk from Seventh Avenue South to Jones Memorial Park and requested a meeting with staff to develop a lighting package for his neighborhood. In addition, Mr. Brennan reported what he described as a steady increase in trucks traversing Seventh Avenue South North between U.S. 41, Goodlette-Frank Road and Tenth Street, including car carriers delivering to Shelton Jaguar; he therefore requested additional enforcement of the prohibition against truck traffic on Seventh.

Bob Wheeler, Third Street South, expressed gratitude to Officer John Eaton and other PESD officers for their quick responsiveness regarding speeding issues in the area. Mr. Wheeler suggested publication of the sidewalk installation and alleyway paving schedule but expressed opposition to sidewalks on his street.

Urgi Tsarnick, expressed amazement over the sidewalk issue in light of the many missing sidewalk links evident in Old Naples. He suggested a coherent and continuous network of sidewalks. He also said that shelling alleyways is not conducive to bicyclists.

Beth Humphrey, 9th Avenue South, said she is concerned with the new condominium building across the street from her home that was built at an extremely high elevation, which is causing surface water runoff to infiltrate adjacent properties, including her own. She also noted that her home had been flooded in two consecutive years for which she had to file insurance claims. She stated that the Engineering Department had told her that as long as the City Council continues to

approve developments of the type across the street, drainage problems will continue, as there is no engineering solutions available.

Mayor MacKenzie explained however that elevations for new construction is mandated by FEMA and surface water runoff is controlled by the construction site maintenance ordinance, which has subsequently incorporated drainage element, structures dating more than two years before were constructed prior to the ordinance becoming effective.

Mrs. Humphrey however sought solutions available to homeowners that are continually flooded by surface water. Mayor MacKenzie said that while Council had taken care not to create further problems, solving the problems created within the past five years is somewhat more complicated. This does not mean the issues will be ignored, however, she said, it will take time coordinating efforts. Council Member Herms said the problem, especially for properties positioned much lower than others, is the direction of the flow so that such options as catch basins or pump stations could be employed to direct the water elsewhere. However, he said, the key issue is to identify specific areas where the prevalent problems exist, which require residents to alert the City Manager. City Manager Rambosk apologized for staff providing incorrect information with regard to approvals by the City Council, which in fact approves only what the Code requires and allows. Secondly, Mr. Rambosk said Council has directed staff to research stormwater improvements throughout the City and within each basin, particularly the Old Naples area, including the alleyways. Development of a drainage system that will require pumping to move the water could in fact be necessary, he said.

Quinn Loweby said that while many issues expressed involved individual cases that will take considerable time and patience to resolve, he had already seen evidence of improvements in Old Naples. Therefore he and thanked the responsible parties. Mr. Loweby said he had also noticed movements to preserve older properties although more support is necessary.

Pete Cox, First Avenue North, expressed concern regarding notification of meetings and planned improvements in the neighborhood. City Manager Rambosk explained that a list had been generated based on general requests for sidewalks, however, the list is not a final approved item by Council. He said, for example, First Avenue is on the list based on requests, but there is currently no plan to install a sidewalk. Property owners will be notified, he said, and reiterated that the City would not install a sidewalk unless a majority of the residents express interest. Mayor MacKenzie assured that a consensus would be taken.

With reference to historic preservation, Council Member Russell said that he supports deed restrictions and that appropriate restrictions had been drafted regarding the Wilkinson House. However, he said, the power to preserve historical homes is with the residents who can institute deed restrictions on their own properties. Council Member Taylor said however that most people are not going to spend millions of dollars for a house they have to preserve; Council, she said, had taken the direction of maximizing profits which guarantees the destruction of the Wilkinson House. Mayor MacKenzie disagreed, saying that in fact historic preservation had improved property values in many areas of the country. The Council, Mayor MacKenzie said, is attempting to bring Wilkinson House appraisal values with and without the deed restrictions closer together.

Council Member Herms cited the importance of being aware of deed restrictions regarding requests for demolition permits. However, he said, there are much bigger issues regarding the future of the community, such as coming before the Planning Advisory Board (PAB) regarding density levels, building heights, parking structures, and overall development within the 41-10 (Heart of Naples) district that could possibly increase the population by another 3000, affecting everyone. Mr. Herms encouraged residents to learn what impacts will occur, get involved with neighborhood associations, and give the Council input on the issues. Mr. Herms expressed the view that this matter should be placed before the voters.

Mayor MacKenzie said when the community loses historic homes, even though it is private property, the local history suffers a loss where the community feels it should have a voice. She said that is why the Council is again going to determine more feasible means of saving historic properties; in fact, she said, there are currently many professionals interested in becoming involved in historic preservation from a positive, voluntary standpoint, which also brings value.

Unidentified Speaker, West Lake Drive, said she spends a majority of her time enjoying the ambiance of Old Naples, especially Cambier Park, and requested a continuous flower or wreath arrangement to honor veterans at the Cambier Park Veterans Memorial.

Unidentified Speaker inquired about new traffic light installation at 14th and 13th Avenues ~~South~~ North, expressing concern that a flashing light at 14th during business hours would create difficulty in accessing Goodlette-Frank Road. Council Member Taylor advised the plan is to have the light operational during specified times and flashing at other times. Commissioner Coyle, she said, had been advised of the residents' concerns.

Ron Bell, commented that FEMA requires the finished floor of structures to be at a specific elevation, however, that does not dictate that the entire lot be filled to that same elevation. Therefore he recommended that Council consider areas like Boca Grande where very large homes have been successfully built on pilings. Council Member Taylor said one item the Council has attempted to develop, but had yet been unsuccessful, is to institute an architectural review board to assist when conceptual construction plans are presented, which could also encompass drainage issues for residential development. Planning Director Ron Lee advised that a draft of the design review board would be presented to Council within the next month.

(Editor's Note: Petitions from residents of First Avenue North opposing sidewalk installation are contained in the file for this meeting in the City Clerk's Office.)

ADJOURN
8:10 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Pamela M. Koepke, Recording Specialist

Minutes approved: 5/7/03