



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – May 5, 2003 – 8:31 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bonnie R. MacKenzie, Mayor
Gary Galleberg, Vice Mayor

Council Members:

Joseph Herms – arrived 8:32 a.m.
William MacIlvaine
Clark Russell – arrived 8:38 a.m.
Penny Taylor
Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Tara Norman, City Clerk
Karen Kately, Administrative Specialist
Pamela M. Koepke, Recording Specialist
Robert Pritt, City Attorney
Matt Joiner
Judith Hester

Other interested citizens and visitors.

Media:

Dianna Smith, Naples Daily News
Tom Rosse, NBC2

SET AGENDA.....ITEM 2

Item 3 was removed from the agenda. City Manager Rambosk advised that staff would work directly with residents on specific lake-related problems and encouraged them to contact his office directly. Mayor MacKenzie pointed out that some residents have expressed an interest in the conceptual plan of locating dredge spoils in a central island that could be landscaped.

DISCUSSION OF LAKES AND LAKE MAINTENANCEITEM 3

Removed from agenda. (See above.)

.....ITEM 4

DISCUSSION ESTABLISHING A POLICY FOR CO-SPONSORSHIP FOR SPECIAL EVENTS (*Requested by Council Member Taylor*) Noting a list of co-sponsorships requested (a copy of which is contained in the file for this meeting in the City Clerk's Office), Council Member Taylor sought other Members' views on establishing a co-sponsorship policy with the intent of assisting small, non-profit organizations. Mayor MacKenzie however noted that Community Services Director David Lykins had been directed to draft a policy supporting charity and civic events over commercial events; this policy would be reviewed by the Community Services Advisory Board (CSAB). Miss Taylor expressed concern regarding the high number of co-sponsorship requests from the Fifth Avenue South Association; Mayor MacKenzie agreed that there had been a considerable number of requests from that area.

.....ITEM 5

DISCUSSION OF REQUEST FOR FORUM DEBATE ON HEART OF NAPLES PLAN

(Requested by Council Member Taylor) Council Member Taylor requested that a debate be scheduled regarding the details of the Heart of Naples (HON) plan because a lack of information having been disseminated to the community. She said that while two Council Members had presented the plan publicly, there had not been a presentation where the public could hear all sides and ask questions. Miss Taylor also said that the extent of the acreage involved in this rezone would have far-reaching impacts on the quality of life for residents. Council Member Herms also called for disseminating information to property owners and characterized anticipated impacts on property owners as substantial, particularly those planning to improve areas larger than 500 square feet.

Vice Mayor Galleberg said that there however appeared to be an underlying premise that the Heart of Naples plan had just recently been developed when it had in fact been discussed by the Heart of Naples Committee (HONC) for two years. The HONC had included representation by residents, business owners and Council Members, HONC meetings had been televised, and the matter had been discussed on numerous occasions by City Council. Mr. Galleberg therefore recommended that the plan move forward, noting support by a majority of Council Members, input from various interest groups, and recommendations from experts who had researched the feasibility of the plan.

Council Member MacIlvaine said that the HONC had met 33 times over 27 months and each meeting had been advertised, televised, conducted in accordance with the Sunshine Law (Chapter 286, Fla. Stat.), and held in an open public forum. Mr. MacIlvaine also said that 447 letters had been mailed to the property owners within the HONC district prior to the Planning Advisory Board (PAB) consideration of the plan, and that ample opportunity had been given to the public to understand, question and respond. He characterized attempting to delay the vote as a vehicle for political activity with which, he said, he disagreed.

Council Member Russell took the position that the Council was in fact still hearing the issue and that the plan had not yet been approved, there being two forthcoming hearings where issues could be brought to the fore. He said that refinements would be the Council's responsibility. Mr. Russell also said that misinformation had been distributed but that he supports generating factual data not of a political nature.

Council Member Wiseman said she is not opposed to reasonably answering any concern that is raised relative to public information but also observed that, regardless of Council's intent, the matter would be a defining issue in the next election. She said she would support a staff presentation in a public forum but would not agree to a debate among Council Members who, she said, debate the issue at first and second reading of the ordinance. Mrs. Wiseman also said that she believed it to be unseemly for Council Members to debate one another and that it would be inappropriate for Council Member Herms, who has disclosed his personal conflict of interest, to debate an issue as a faction of City Council ~~that affects him personally.~~

Mayor MacKenzie stated that she, too, supports a factual presentation by staff that would cover current zoning and the changes that would occur if the proposed zoning were approved. The

forum should provide an opportunity for public comments and questions but should not be a formal debate.

Vice Mayor Galleberg and Council Member MacIlvaine each indicated their concurrence with a factual staff presentation. City Manager Rambosk assured the Council that staff had sufficient data to make such a presentation which could be offered in the Council Chamber one evening during the following week; the session would be advertised and broadcast on the City's cable television channel.

Council Member Taylor further commented that the HONC plan may be feasible for its particular locale but had not been integrated it into the City as a whole which, she said, is the task of Council after receiving public input. Miss Taylor said she also took exception to the inference that requesting a debate request is an effort to delay a vote, since she was merely seeking sufficient time to answer questions posed to her by the public. It took the drastic action of an initiative petition, she said, to expose the lack of information residents actually possess. While Miss Taylor therefore maintained that a debate would better inform the community of all viewpoints, but also said that she would support a factual presentation that would be advertised, televised, and provide an opportunity for answers to questions from the public.

Council Member Herms said that he, too, supports a staff presentation, but stressed the importance of providing a sufficient overview of the entire project. Included should be the possible impacts that property owners may experience, he said, while at the same time explaining density levels and lot coverage standards in the commercial and residential areas.

Vice Mayor Galleberg however said that there was no evidence to support Council Member Taylor's assertion that information had not been made readily available and that the public is either confused or unaware. Instead, he said, what was occurring is in response to the recent postcard mailing from the Honesty in Government group which he described as a combination of false impressions and falsehoods. Therefore, any call for clarification should be facilitated with a staff presentation. Mr. Galleberg said he believes that Council had done everything possible to make the public aware of the proposals.

Council Member MacIlvaine said that an additional presentation could only facilitate the dissemination of the information to the public. Council Member Wiseman stressed the necessity of any presentation taking place prior to seasonal residents leaving the area and suggested also posting the notification of the presentation on the City's website.

Public Comment: (9:02 a.m.) **Matt Joiner, 2625 13th Street North**, said that as a property owner in the Heart of Naples district, he found most of the proposals acceptable but that neither he nor his partners had received any type of mailing regarding the Heart of Naples.

City Manager Rambosk then clarified that two items had actually been discussed: a notice regarding zoning changes, which property owners should have received; and a petition mailing seeking a referendum with which the City is not involved. Mr. Joiner confirmed that he was referring to the referendum petition. Council Member Herms explained the petition mailing had gone to registered voters in the City. Vice Mayor Galleberg also pointed out that the Honesty in

Government group is a private action committee, that their post card mailing is not controlled by the City, and that the petition is an effort to obtain a referendum question.

After a brief discussion of the process to place an issue on a City election ballot, Mayor MacKenzie also explained that private action committees are within their rights to determine the recipients of their mailings.

Mr. Joiner asked that Council carefully weigh assertions about a maximum number of units per acre against the need to maintain the integrity and future value of properties. Nevertheless, he said he felt that the Heart of Naples area would not be as pedestrian friendly and therefore never compete with areas such as Fifth Avenue South.

In further dialog with Mr. Joiner, Vice Mayor Galleberg reiterated his position that misinformation was being disseminated, but also pointed out the fact that deliberations and open meetings which had been underway for approximately two years exemplifies how the process should work. Council Member Herms maintained the importance of citizens like Mr. Joiner expressing their views. Mr. Joiner then expressed reservation about placing parking at the rear of businesses due to safety concerns. However, Council Member Taylor described as a fallacy the perception that this area is unsafe.

Council Member Taylor read into the record a letter from Virginia Corkran who she said had been unable to remain at the meeting (Attachment 1).

Further discussion ensued regarding the forum for the above public presentation, Council and staff responsibilities during such a presentation, and the time and date.

Consensus for advertised public information meeting, staff presentation with question and answer forum, date to be determined.

.....**ITEM 6**
DISCUSSION OF STARTING THE REVIEW PROCESS FOR THE CODE OF ORDINANCES TO DETERMINE CONFLICTS AND/OR INCONSISTENCIES
(Requested by Council Member Taylor)

Council Member Taylor expressed her support for a review of the Code of Ordinances which would deal with inconsistencies. Mayor MacKenzie said that she had supported a code review for some time and described the anticipated cost as reasonable.

Vice Mayor Galleberg also expressed his support but requested a breakdown of costs and a comparison to accomplishing the work with City staff. Council Member Wiseman said she had yet to receive a previously requested proposal containing such a breakdown. Council Member Herms said that while inconsistencies should be identified and solved, he too wished to receive cost information and details on the type of review to be conducted. City Clerk Tara Norman advised that she would pursue this information.

BRIEFING BY CITY MANAGER.....ITEM 7

City Manager Rambosk noted that the Gordon Pass dredging is complete and that the contractor's performance had been satisfactory overall. However, bridge railings for the Park Shore and Harbour Drive bridges had not yet been received and a request had been made from residents to install more secure fencing around the construction area. Mr. Rambosk also said that

City Dock restroom renovations are continuing and that additional Tourist Development Council (TDC) funding was approved for Lowdermilk Park renovations, which are expected to be complete within three weeks. Mayor MacKenzie urged that all City representatives communicate with each other prior to addressing applicable outside agencies. Vice Mayor Galleberg also suggested more extensive information be provided by the City on its TDC applications.

Mr. Rambosk then noted completion of the Mooring Line Drive median improvements and the positive feedback from the community. Staff is currently working with homeowners on the Banyan Boulevard improvements in an effort to develop conceptual plans and schedules for construction, he said.

In conclusion, City Manager Rambosk reported that staff had been working with business and property owners regarding parking for the Great Dock Canoe Race and other issues; event assistance is also expected from the Florida Marine Patrol and the Collier County Sheriff's Office.

REVIEW OF ITEMS ON THE 05/07/03 REGULAR MEETING AGENDAITEM 9

Item 6 (D Downtown amendment) City Manager Rambosk distributed revised information. **Item 12** (Fifth Avenue drainage) City Manager Rambosk advised that no information was yet available on this item. **Item 15** (PAB appointments) City Manager Rambosk requested removal of this item. **Item 8** (Old Naples Pub live entertainment) Mayor MacKenzie requested clarification on the proposed location for live entertainment and City Attorney Pritt requested the Planning Department to review the permit for possible further revisions. **Item 7** (Naples Beach Hotel & Golf Club live entertainment) City Attorney Pritt also requested that the Planning Department review this permit for possible further revisions. **Item 9a** (Minutes) Council Members Herms and Taylor requested review of audio from the March 6 Town Hall Meeting to clarify whether Council Member Herms had referred to Miss Taylor or former Council Member Fred Tarrant in relation to support for preserving the Wilkinson House. **Item 9-b(1)** (Kid's Fishing Clinic) Vice Mayor Galleberg requested removal from the Consent Agenda for separate discussion regarding the history of the event. **Item 9-b(2)** (Evenings on Fifth) Vice Mayor Galleberg requested removal from the Consent Agenda for separate discussion; Council Member Herms requested clarification on the noise ordinance and enforcement personnel availability; and Council Member Russell requested clarification of event criteria. **Item 9-b(3)** (Naples Art Association) Mayor MacKenzie requested clarification on any communications with the Naples Women's Club and their approval for the event. **Item 9-b(4)** (Haitian Flag Day) Vice Mayor Galleberg requested removal from the Consent Agenda for separate discussion. **Item 9-e(4)** (Water Master Plan) Council Member Herms requested clarification of the costs attributed to answering questions, and Council Member Taylor also expressed concern, characterizing this as an after-the-fact charge; she also requested a determination of how such matters could be handled differently in the future. City Manager Rambosk said that it would be appropriate to combine consideration of this agenda item with another that involves the water master plan. Vice Mayor Galleberg also expressed dismay that merely asking questions of the consultant at a workshop had resulted in a \$20,000 charge. Council Member Herms said that he did not believe that the City Council had ever before been charged significant amounts for merely asking questions. Council Member Taylor then cited assertions by the consultant that it had been difficult to obtain information from Collier County and asked for more information from the City staff on this issue. **Item 9-e(2)** (Police Officers Retirement budget amendment) Mayor

MacKenzie requested a full status review in a workshop setting of each of the pension funds and clarification of the anticipated fund shortfall. **Item 9-(f)** (City Manager's contract) Council Member Herms requested removal from the Consent Agenda for separate discussion regarding financial impacts. **Item 13** (Marina siting amendment) Vice Mayor Galleberg requested clarification on the version of the ordinance that is before Council. **Item 18** (utility relocation) Mayor MacKenzie requested an overview regarding costs.

.....**ITEM 8**
CITY ATTORNEY TO REQUEST ATTORNEY/CLIENT SESSION RELATING TO A
PENDING PERSONAL INJURY CLAIM REGARDING AMY HEIDER ON 05/07/03.

City Attorney Pritt requested an executive session regarding Amy Heider versus City of Naples for May 7, 2003 at 1:30 p.m.

MOTION by Herms to ADD ITEM 8 TO 05/07/03 REGULAR
MEETING AT 1:30 p.m.; seconded by Galleberg and
unanimously carried, all members present and voting (Herms–
yes, Galleberg–yes, MacIlvaine–yes; Russell–yes, Taylor–yes,
Wiseman–yes, MacKenzie–yes).

PUBLIC COMMENT.....

(9:23 a.m.) **Judith Hester, 345 Galleon Drive**, presented photographs (which are contained in the file for this meeting in the City Clerk's Office) showing the side of a stockade fence installed next door to her home. She characterized the fence as unsightly and said that it devalues her property. In addition, she said that, unlike Collier County, there is in fact no City prohibition of installing stockade fencing with the unfinished side facing outward. City Manager Rambosk advised he would question the Planning Department and provide Council with options. Vice Mayor Galleberg asked that staff confirm any restrictions regarding fences which might be in place specifically for the Port Royal subdivision.

CORRESPONDENCE/COMMUNICATIONS.....

Council Member Taylor said she had received a report of exemplary service by Dock Master Michael Kline. Vice Mayor Galleberg noted the State Of The Coast workshop to be hosted by the Rookery Bay on May 8; he also requested an update on an issue involving a private dock at Saber Cay. Council Member Wiseman advised that rust had accumulated on the superstructure of the Cambier Park Bandshell. Mayor MacKenzie noted the County Commission District 4 Town Meeting at Gulf View Middle School on May 15 at 7:00 p.m.

ADJOURN.....
10:06 a.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Pamela M. Koepke, Recording Specialist

Minutes Approved: 6/4/03