



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – May 17, 2004 - 8:30 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Tamela Wiseman, Vice-Mayor (8:47 a.m.)

Council Members:

William MacIlvaine
Johnny Nocera
Clark Russell
John Sorey III
Penny Taylor

Also Present:

Robert Lee, City Manager
Ron Wallace, Construction Management Director
David Lykins, Community Services Director
Dan Mercer, Public Works Director
Ann Walker, Planning Manager
George Archibald, Traffic Engineer
Cheryl Boutot, Information Svs. Specialist
Pamela M. Koepke, Recording Specialist
Karen Kateley, Administrative Specialist

Delores Sorey
Ron Pennington
Debra Newman
Gloria Kovacs
Dale Chlumsky
Richard Sullivan
Marianne Megela
Alan Ryker
Roger Baker
Don Wingard
Susan Shea
Doug Finlay

Arlene Guckenberger
Jim Boula
Henry Kennedy
Judith Chirgwin
Jerry Alajajian
Emily Gutchess
Lodge McKee

Other interested citizens and visitors.

SET AGENDA.....ITEM 3

MOTION by Nocera to SET AGENDA; seconded by Russell and carried 6-0, (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-absent, Barnett-yes.)

DISCUSSION WITH COLLIER COUNTY COMMISSIONER FRED COYLEITEM 4

Collier County Commissioner Fred Coyle stated that on May 25 he would introduce a Proclamation before the County Commission which would designate September as “Freedom

Month” in honor of those killed in the 9/11 terrorist attack. He announced that a memorial would be constructed on the grounds of the County Complex at US 41 and Airport Road. The public will be asked to submit designs with the winning entry unveiled this September and the memorial in place by September of 2005. He requested the Council’s support in publicizing this project and asked that a City representative attend the May 25 meeting as part of the group accepting the proclamation. Council expressed its support.

Commissioner Coyle proposed that unused Metropolitan Special Taxing Unit (MSTU) funds be devoted to dredging the portion of Haldeman Creek flowing through City property. City Manager Robert Lee indicated that he would follow up on this matter. Commissioner Coyle also indicated that a meeting had been scheduled for ~~June 6~~ for the near future to discuss the preservation of Caribbean Gardens and the Fleischmann property. Council Member ~~Russell Sorey~~ offered to represent the Council at this meeting. Commissioner Coyle also sought support to secure the needed funding to maintain the Naples Depot and indicated that funds were available through the Metropolitan Planning Organization (MPO) for the renovation and maintenance of historic transportation facilities. He suggested a public hearing on the matter to gauge citizen support. In subsequent discussion, Mr. Coyle indicated that with a commitment of support from the City, the County would be more inclined to become involved in this effort.

Characterizing the working relationship between the County and the City as being at an all-time low, Commissioner Coyle asked that the City involve the County in the boat speed issue. Discussion then ensued regarding the need for various interlocal agreements, not only regarding boat speeds, but also Pelican Bay annexation and the proposed Golden Gate Parkway/Airport Road overpass. Council Member MacIlvaine commented on the need to maintain a professional level between the City and the County staff, and the Commissioners and Council Members, in order to achieve the best results.

In response to Council Member Nocera, Commissioner Coyle acknowledged that the County has authorized the building of approximately 3,000 affordable housing units in the unincorporated area. Council Member Nocera suggested that part of the Caribbean Gardens and Fleischmann property be used for this purpose. He also suggested investigating a “land trust tax” to be used for purchasing property for green space.

Commissioner Coyle said that the County was in the process of accumulating funds designated specifically for beach and boat access, but that parks and recreation funds would be designated for other projects. The County, he said, had recently purchased several lots south of Bayview Park and intends to acquire the entire street to develop additional boating activities and also provide shuttle access to Keewaydin Island (also known as Key Island). He however stated that there is no plan to purchase passive recreational areas and suggested this be discussed further at a joint City/County workshop.

In response to Council Member Taylor, Commissioner Coyle stated that Federal Emergency Management Agency (FEMA) information is presently being developed for public presentation. He said he would make this a topic for the next County Commission meeting.

PUBLIC COMMENT.....ITEM 2

Ron Pennington, Chairman, Collier County Coastal Advisory Committee (CAC), overviewed the current beach renourishment plan and advised that a qualified bidder list was being developed and that to date five applications had been received. Final contract and Notice to Proceed is expected by December 21, he said. Mr. Pennington then said that the Florida Department of Environmental Protection (DEP) had expressed concern regarding the local borrow area proposed due to silt content; therefore, he received Council's concurrence to instead utilize the northern borrow area exclusively. Council Member Sorey thanked Mr. Pennington for his efforts on the CAC. **Delores Sorey, 220 Gulf Shore Boulevard, North**, read a statement into the record regarding the Naples Art Association which is appended as Attachment 1.

DISCUSSION OF SPECIAL EVENT POLICY.....ITEM 5
Community Services Director David Lykins presented the proposed City-wide Special Event Policy. (A copy of this and other related materials are contained in the file for this meeting in the City Clerk's Office.) Director Lykins explained that while special events have declined in number, they have grown in complexity, size and duration. This, he said, results in significant impacts upon the entire community with parking, noise and increased infrastructure usage and its attendant costs for repair and maintenance of public property as well as utilities. Increased requests for financial assistance or co-sponsorship have also exceeded budget, he added.

Although City Council had approved a new special event process the prior November, he said, difficulties have nevertheless been experienced with late submittals, incomplete or inaccurate information provided by the requestor, and expectations for financial assistance beyond City-supplied services. Therefore, Director Lykins said, staff is requesting a limit of no more than four in any consecutive 12-month period for major events with street closure of two consecutive days. An annual scheduling program requiring major event hosts to submit requests 12 to 18 months in advance is also being proposed. The staff is also requesting the following authorizations: 1) deny requests submitted after the 60-day requirement; 2) make recommendations when scheduling conflicts occur with other events; 3) make recommendations on expenditure items other than City personnel costs; 4) increase art booth or vendor impact use fee by \$10; 5) establish a fee schedule for use of a public street at a minimum of \$1000 per day; 6) establish a fee schedule and recovery process for replacement or repair of damaged public property or equipment; 7) authorize the Special Events Committee to consider minor amplified sound requests; 8) install appropriate directional signage to public parking areas; and 9) amend applicable sections of the Code of Ordinances and policies.

Council Member Taylor inquired as to the Naples National Art Festival not being on the schedule provided and also requested clarification regarding criteria for determining those organizations exempt from special events fees.

Public Comment: (9:41 a.m.) **Roger Baker, 2685 Crayton Road**, expressed concern for the proliferation of special events on Fifth Avenue South during the winter tourist season and the resulting detriment to other of the City's commercial areas. Mr. Baker suggested a review of both the number and the timing of events in order to reschedule some to other times of the year. He further expressed concern that art events benefit out-of-town vendors and artists and requested an accounting of revenues from special events. He said he also questions the legality of the Fifth Avenue Association benefiting from an event held on a public roadway. **Alan Ryker, 300 Fifth Street South** advised that he and his wife had moved to Aqualane Shores in order to

take advantage of the vitality and activities in the district. He offered his support to maintain the current level of special events and said that the majority of his neighbors had expressed support for the level of activity. **Richard Sullivan, 585 Park Street, Naples National Art Festival Director**, said that this art event has been conducted in Cambier Park for 25 years, which should establish it as traditional, and he asserted that the recommended policy would add \$6,000 to the costs borne by the event promoter. He suggested that alternative locations be recommended to various events and encouraged the City to acquire a municipal parking area for all community and special events. **Marianne Megela, 3050 Beck Boulevard, Naples Artcrafters Director**, said her organization provides an opportunity for local artists to display their work and an additional booth fee would cause a financial burden. **Dale Clumsky, 3345 Fort Charles Drive**, advised that he is a property owner on Third Street South and confirmed that during events on Fifth Avenue South, business activity falls dramatically on Third. **Gloria Kovacs, 720 Fifth Avenue South, President of Fifth Avenue South Association**, pointed out that special events have been occurring on Fifth Avenue South for over 15 years and that the original eight events had been reduced to five. Ms. Kovacs identified the winter tourist season as being from January to April although there is just one Fifth Avenue event (a nationally rated art event) during those months; the others occur in October, November, May and July. Mrs. Kovacs said that the Association is cognizant of the community desires for activities and is consistently in communication with residents and property owners. In response to Council Member Taylor, Mrs. Kovacs advised that the annual art event in March is nationally rated within the top 20 and has been conducted for approximately 14 years. **Debra Newman, 649 Fifth Avenue South, Executive Director of Fifth Avenue South Association**, said that she also represents Naples in the Florida Main Street Program, a state and national effort to revitalize small downtowns. Mrs. Newman said that the events on Fifth Avenue are designed to expose the community to what Fifth Avenue has to offer and affords the property owners and merchants opportunities to market their products and services. Unlike shopping malls, Mrs. Newman, explained, the merchants on Fifth have full control over their marketing dollars and success. She urged Council to consider maintaining the current level of events in the community. She did advise that all revenues generated from events are utilized to promote the downtown area which benefits the City. **Jerry Alajajian, 1549 Sandpiper Street**, who indicated that he is a property owner on Third Street South and a member of the Third Street Association, said that while he supports events, street closings for special events in fact do cause impacts to businesses in the area. He urged Council to consider event policies that benefit all; namely, the promoters, the businesses and the residents. Nevertheless, Mr. Alajajian expressed concern that the City is not of a size to accommodate excessively large crowds and suggested more events be scheduled other than in the peak of the winter tourist season.

In response to Council Member Russell regarding availability of vendor parking, Community Services Director Lykins explained that not only are available vacant sites few in number, but property owners are not willing to allow a shuttle service to events featuring another area. However, various churches not conducting Saturday services may be willing to allow limited parking, Mr. Lykins said, but also noted the logistical difficulty of using many small parcels for this purpose.

Council Member Russell urged that limitations be articulated to all event promoters and that approvals require information regarding anticipated attendance as well as the number of vendors

and the size and number of their vehicles, including the location of vendor parking. Mr. Russell said that he deemed acceptable the current level of events on Fifth Avenue, and noted that in order to achieve that level many concessions had been made. He said that while it is government's responsibility to monitor event content, he nevertheless encouraged discussion and review of the procedures to be followed when events overlap.

Citing a Fifth Avenue art festival that, on the second day, had coincided with a Naples Concert Band performance in Cambier Park, Vice Mayor Wiseman, took the position that such intensity of activity is unfair to residents of that area. Therefore she indicated support for scheduling events either in months immediately adjacent to the winter tourist season or at other times of the year. Regarding parking, Mrs. Wiseman suggested utilizing the City's overflow lot adjacent City Hall as assigned parking for vendors who otherwise occupy multiple spaces adjacent to events. Director Lykins indicated that this would be considered.

Council Member Nocera indicated that the discussion alludes to the necessity of constructing a parking garage to address special event parking concerns. Mr. Nocera then inquired as to the financial incentive to the proposed special events policy. Director Lykins explained that under the current plan certain incidental expenses, such as barricades and temporary restroom facilities, are not budgeted through Community Services; however, the proposed plan would more effectively administer these costs. He also pointed out that the proposed policy would address personnel costs which continue to increase due to the increase in the number and size of events. Council Member Nocera requested a financial breakdown of the current policy compared to the proposed policy and expressed concern that the proposed policy could create a financial burden for smaller event promoters.

Council Member Taylor indicated support for a City-wide policy, cautioning that special events will increase with the 41-10/Heart of Naples redevelopment. She added that taxpaying merchants are negatively impacted by special events elsewhere in the City and that the success of Fifth Avenue events has created a desire by many other organizations to also conduct special events. She also cited concerns that an over-saturation of art festivals negatively impacts other artists' revenues. Miss Taylor also said that while the reasoning behind the traditional community event designation should be advertised and explained to avoid future misunderstanding, the Art In The Park event and the Naples National Art Festival both should be considered traditional events. ~~while the Naples National Art Show should not.~~

Council Member MacIlvaine expressed his support for the proposed plan and said that the larger and more frequent events will continue to cause negative impacts, including upon local merchants. He however disputed the need for an additional parking garage because it would allow even more people to attend special events.

Council Member Sorey said that taxpayers have nevertheless benefited by the success of Fifth Avenue and Third Street and urged further research and planning regarding appropriate implementation of events. Events are held during the peak of the winter tourist season to achieve greater revenue, he said, and asserted that many organizations who are members of the Collier County Arts Council believe that neither the City nor the County provide significant support to local arts and culture activities.

Mr. Sorey said that, apart from traditional events, he however supports a limit on the number of events held annually based on when applications were received, event host notwithstanding. Council Member Sorey also concurred that additional parking garages could alleviate some of the traffic and parking issues surrounding special events, but also noted that agreements with private businesses whose parking areas are not utilized during events should be pursued. Mr. Sorey said that the City's TV channel and website are appropriate vehicles to educate regarding limitations on special events. Council Member Sorey also said that he could not however support increased fees for nonprofit organizations because of their benefit to the community but suggested that event sponsors be charged for damages and site clean up when necessary.

While Council Member Taylor noted that the regular Celebration Church services at the Cambier bandshell had not been listed, Community Services Director Lykins advised that this is an ongoing park rental event, not a special event. Miss Taylor suggested however that a category be defined in the policy for requests of this nature and said that the degradation of the turf at the bandshell should not be attributed solely to special events when approximately 300 to 500 people use the same area weekly.

Council Member Russell offered his support for the staff proposal and observed that while there had been changes regarding intensity of events and a decreasing of art shows, it is not possible to completely avoid events in the height of the winter tourist season due to potential for revenues. Mr. Russell said that it is reasonable to expect that an event may eventually become too intense for an area because of the evolution of the various commercial districts. He said he supports the limited number of traditional events as designated and concurred that alternative parking locations or schedules may be necessary, depending upon the size of the event. He also supported creation of an annual event schedule. Regarding management of Cambier Park. Mr. Russell said that providing a large green space for passive and family activities is in his view more beneficial than some of the special events that are approved for that location.

Council Member Nocera said that he however does agree that if certain events are too great in size and duration, alternative locations may be necessary, such as in the 41-10/Heart of Naples district. He also characterized turf maintenance issues in Cambier Park as minor in comparison to the interests of groups which depend on these public facilities.

City Manager Lee requested that staff be afforded an opportunity to review the various issues and define the proposed policy for further Council review.

Mayor Barnett asked that each issue raised be considered individually to ensure that all concerns are addressed. Council Member Taylor then suggested clearly defining a traditional event, and if a traditional event is no longer held, then an opening may be available for another to be designated as traditional.

Recess: 10:39 a.m. – 10:53 a.m. It is noted for the record that the same members were present when the meeting reconvened.

.....ITEM 6
DISCUSSION OF EAST NAPLES BAY WATERWAYS DREDGING PROJECT

Natural Resources Manager Jon Staiger explained that the East Naples Bay canal maintenance project encompasses all waterfront properties in the taxing district which includes Royal Harbor, Oyster Bay, and Golden Shores. The taxing district was established in 1987 and approved by referendum in 1988. Although many of the canals had been dredged in 1990, the work was incomplete due to the presence of significant rock as well as technical and financial problems, Dr. Staiger said. Due to accumulation of revenues and increases in property values, however, another project had been proposed. Therefore, the advisory committee was reestablished and a map distributed to all district property owners to receive their input on problem areas. The committee subsequently recommended proceeding with the first set of tasks which was to perform a hydrographic survey of the waterways to determine where sediment should be removed, and a jet probing survey to determine where the rock is located. In addition, the committee recommended geotechnical testing of the rock to determine whether it can be removed without damaging adjacent properties. Dr. Staiger further said that staff would request approval of an amended consultant contract in August or September to proceed with the first phase of the project. If after reviewing the study the committee determines the need for additional work, it would likely be completed next year, he said. In further discussion, Dr. Staiger noted the presence of oyster bars and mud in a number of the canals throughout the district. Jack Antaramian (developer of the property previously known as Boat Haven) would dredge one canal between Curlew Avenue and his redevelopment site, Dr. Staiger noted.

In response to Council Member Taylor, Dr. Staiger confirmed that some of the rock to be extracted is limestone and potentially unusable for riprap, although as much of the extracted rock as possible should be utilized for this purpose. Due to the expense of installing riprap, Miss Taylor recommended identifying plans for hauling and storing this rock as well as the attendant cost. Dr. Staiger said he would contact Construction Management Director Ron Wallace on that issue. It was the consensus of Council to move forward and conduct further research regarding rock removal, storage, and use as riprap.

.....**ITEM 7**
DISCUSSION OF RECOMMENDED SUBDIVISION OF PROPERTY ORDINANCE

Community Development Director Ron Lee explained that the subdivision of single-family lots involves ancillary issues such as the creation of additional buildable lots and an increase in density, and that the intent of the present discussion was to address additional modifications. In 2003, Council had considered a petition to vacate an easement between Lots 1 and 31 in the Moorings subdivision which would have allowed the creation of a third lot. The Council subsequently decided to disallow subdivision of single family platted lots and directed staff to publish a notice of intent to that effect and to prepare a text amendment to change the definition of subdivision; this definition was adopted that December. Prior regulations had required Council review only for subdivision of three or more lots while the amendment covered any new single-family lot.

In determining its recommendations, Director Lee said that staff had developed the following assumptions: 1) the amendment must be applicable to the entire City; 2) it must be sensitive to diverse situations; 3) it must consider both small and large parcels; and 4) it must take into consideration parcels which have been assembled for homestead or tax purposes. Staff therefore recommends three specific changes: 1) restore the definition of subdivision to three parcels; 2) add a new section (110-95) that would prohibit the splitting of any single family platted lot to

create a new lot not shown on the subdivision plat or not of record on the effective date of the new text amendment; and 3) to allow the disassembly of lots that had been assembled for tax purposes without requiring a subdivision plat. This issue could be considered by the Planning Advisory Board in June or July and then presented Council in September, he added. Construction Management Director Ron Wallace then made a presentation outlining the recommendations. (It is noted for the record that a copy of Mr. Wallace's material is contained in the file for this meeting in the City Clerk's Office.)

In response to Council Member Russell, Planning Manager Ann Walker explained that previously property owners had been permitted to divide one lot into two by simply recording it in the public records of the County. The recommendations presented will prohibit this practice and prevent previously assembled lots from being disassembled into lots smaller than the originally platted lot, she said. She further explained that assembled lots are not replatted and the new language would allow the lots to be returned to their original configuration.

Council Member Sorey expressed concern that allowing disassembly would also result in increased density. Director Lee however said that technically there would be no increase in density because assembled parcels had been individual lots that conformed to the original plat; nevertheless, one lot and house being converted back to four lots and four houses may be an unintended consequence, he added. Director Lee confirmed for Council Member MacIlvaine that Attorney John Passidomo's letter of concern had been addressed. (see Attachment 2).

Mayor Barnett noted Council's concurrence that staff further review the proposed ordinance amendments. Planner Walker pointed out that the amendment of December 2003 had in fact caused some negative repercussions because it applied to not only single-family, but commercial and multi-family as well. Therefore, she advised, the recommendations currently being offered would apply simply to single-family.

.....**ITEM 8**
DISCUSSION OF UTILITY PERMITTING AND INSPECTION FEE STRUCTURE
RECOMMENDATION

Public Works Director Dan Mercer made a presentation recommending a utility permitting and inspection fee structure for any projects affecting the water and sewer system. (A copy of Mr. Mercer's presentation is contained in the file for this meeting in the City Clerk's Office.) He emphasized the need to protect the City's underground infrastructure and, in conjunction with the 2005 fiscal year budget, recommended establishing the fee schedule used by Collier County for site development plans, including utility plan review and inspection fees. He suggested the need for an interlocal agreement in this matter and indicated that a revised ordinance would be available in September with a new fee structure effective in October.

In response to Council Member Nocera, Mr. Mercer indicated that this fee structure would not affect any proposed underground electric lines. He also responded that any fees would be derived from part of the estimated costs for any secondary reuse lines in new construction areas. Council Member Sorey expressed his approval of this recommendation and Mayor Barnett stated that there was the consensus of Council to move forward.

.....**ITEM 9**

DISCUSSION OF RECOMMENDED PROGRAMMING POLICY CHANGES FOR CITY GOVERNMENT CHANNEL

Information Services Director Steve Weeks discussed programming and meetings deemed appropriate for broadcast on government access channels like that utilized by the City; this he contrasted with those channels deemed to be public access. (A copy of Mr. Weeks' presentation is contained in the file for this meeting in the City Clerk's Office.) He recommended adding brief quality informational spots and extending authorization to the City Manager to broadcast programs based on policy. Mr. Weeks stated that he would furnish a production example to Council on September 13.

After further discussion, Council Members indicated concurrence with the recommendations presented and said that any additional items presented by Council Members would be discussed further.

In response to Council Member Sorey, Mr. Weeks indicated that City Attorney Robert Pritt had recommended against rebroadcasting the League of Women Voters candidate forum; however, it was the 4-3 consensus of Council (Wiseman, Russell and MacIlvaine dissenting) in favor of rebroadcast. There was also a 5-2 consensus (Russell and MacIlvaine dissenting) in favor of a monthly elected officials' broadcast.

In response to Council Member Nocera, Mr. Weeks stated there was already on-line instruction on the government access channel.

.....**ITEM 10**
DISCUSSION OF RECOMMEND SIDEWALK POLICY AND FIVE-YEAR CAPITAL PLAN

Construction Management Director Ron Wallace made a presentation (a copy of which is contained in the file for this meeting in the City Clerk's Office) which included the goal of a City-wide sidewalk program that would complete the collector road system, improve beach access, complete missing sectors of sidewalk, and improve safety and appearance. He identified safety improvements and aesthetic enhancements such as brick-paver crosswalks and landscaping improvements. He listed the following streets without sidewalks: Gulf Shore Boulevard from Fifth Avenue South to Broad Avenue; Neapolitan Way from Belaire to Crayton Road; Third Street from Second Avenue South to Seventh Avenue North; and Gordon Drive south of 13th Avenue South. He emphasized weighing public needs against achieving support of the homeowners; however, disruption to the surrounding properties should also be minimized. Mr. Wallace therefore requested a formal City Council resolution addressing how to proceed with sidewalk projects, including criteria for establishing specific improvements over a five-year period. He also suggested that such a resolution define the process for involvement of the property owners who are directly affected.

PUBLIC COMMENT: (12:46 p.m.) **Alan Ryker, 300 Fifth Street South**, stated that as a pedestrian and a cyclist, a sidewalk network in Old Naples is called for, connecting to the 41-10/Heart of Naples area, Fifth Avenue South and Third Street. He emphasized the need for a sidewalk from Fifth Avenue South to the Fishing Pier, primarily for safety reasons, and also expressed concern about safety from 15th Avenue South to Kingstown Drive on the east side of Gulf Shore Boulevard. Council Member Taylor suggested clear signage to direct pedestrians and

cyclists to the Fishing Pier via alternative routes other than Gulf Shore Boulevard. **Lodge McKee, 53 Broad Avenue South**, expressed concern about the loss of trees on Gulf Shore Boulevard and said that he feels that sidewalks are not appropriate in that location. He recommended that the City continue its past practices; namely, rights-of-way of a minimum of 60 feet, allowing for a large space between the edge of the roadway and the property line, and maintaining a dominant atmosphere of foliage and trees, not structures. The rights-of-way, he said, were considered a public/private trust and were maintained by the property owners. He urged Council to remain mindful of the area's special character versus what he characterized as a community which had a look of being retrofitted. **Susan Shea, 88 Broad Avenue South**, stated that she, like a significant majority of the property owners in her area, is opposed to the proposed sidewalks. She also expressed the position that sidewalks would decrease property values and that property owners should be given consideration. **Emily Gutchess, 91 Broad Avenue South**, said that she is both a pedestrian and a cyclist, but asked Council to also take into consideration property owner concerns. She said that there are other ways to see Olde Naples without the need for a sidewalk. **Don Wingard, 130 11th Avenue South**, stated that he represents property owners along Gulf Shore Boulevard, South, who object to sidewalks extending any farther. These residents feel that the housing setbacks and existing vegetation do not make sidewalks practical, he added, and in fact requested that the trees on Gulf Shore Boulevard, South, be replaced. Mr. Wingard also said that the residents he represents urge the City to publicize the existing and intended pedestrian routes between Third Street shopping, Palm Cottage, the Fishing Pier, the beaches and Fifth Avenue South. **Doug Finlay, 3430 Gulf Shore Boulevard North**, expressed support for sidewalks on Gulf Shore for safety reasons; he also expressed safety concern regarding the narrowness of the Gordon Drive bicycle lane on the west side of street.

In response to Mayor Barnett, Mr. Wallace indicated that criteria should be developed as to Gulf Shore Boulevard and Gordon Drive. He also suggested reviewing the destination and the use of the area for either bicycle lanes or sidewalks, despite resident opposition. Council Member Sorey concurred with the need to review policies and favored proceeding with the action that is best for all City residents, including safety. He suggested combining the sidewalk program with landscaping with the least disruption possible. Council Member Russell expressed his concern about safety issues on Gulf Shore Boulevard and Gordon Drive.

Council Member Wiseman suggested making Gulf Shore Boulevard, south of Fifth Avenue, a one-way street. Mr. Wallace stated that this was a workable suggestion and that it had been proposed for other streets, however, Council had rejected the notion of one-way streets. Council Member MacIlvaine offered his support, saying that Gulf Shore Boulevard currently is unsafe for pedestrians and cyclists and that concern for safety should take precedence over property owner concerns regarding sidewalks. Council Member Nocera offered support for Council Member Sorey's comments and the proposal presented. Mayor Barnett noted that Council concurs with moving forward with the proposal and suggested further research into the feasibility of making Gulf Shore Boulevard a one-way street.

City Manager Lee expressed the desirability for the sidewalk improvements to begin in the summer, starting with the areas where there is the least controversy. Council Member Taylor suggested furnishing lodging facilities with brochures and providing signage showing a walking

path of sidewalks; she also suggested that other routes from Fifth Avenue South to Broad Avenue be researched.

Mr. Wallace stated that Gordon Drive had been originally designated for bicycle paths, however, associated costs were prohibitive for widening the road. Due to the elevation of Gordon Drive, Mr. Wallace said, a drastic stormwater improvement plan, to include pump stations, would be needed.

.....**ITEM 11**
REQUEST FOR ATTORNEY/CLIENT SESSION TO BE HELD ON 05/19/04
RELATING TO COLLIER COUNTY v. DEPARTMENT OF COMMUNITY AFFAIRS
AND THE CITY OF NAPLES, DOAH CASE NO. 04-1048GM

City Attorney Robert Pritt read the following into the record: Pursuant to Section 286.011(8)(a), Florida Statutes, I am informing the City Council that I desire the Council's advice and consequently am requesting that the City Council of the City of Naples, Florida, conduct an executive or closed (attorney/client) session at 10:30 a.m. during the Regular Meeting of May 19, 2004, to discuss settlement negotiations and strategy related to litigation expenditures in reference to pending litigation case: Collier County v. Department of Community Affairs and the City of Naples, DOAH Case No. 04-1048GM. The following persons will be present for the executive session: Mayor Bill Barnett; Vice Mayor Tamela Wiseman; Council Members Clark Russell, Penny Taylor, Johnny Nocera, John P. Sorey III, and William MacIlvaine; City Manager Robert E. Lee; City Attorney Robert D. Pritt and Attorney Robert Menzies of Roetzel & Address; and Pam Arsenault of AAF Reporting or other certified court reporter. Estimated duration of the attorney/client session is 30 minutes.

BRIEFING BY CITY MANAGER.....ITEM 12

City Manager Robert Lee submitted his written report (a copy of which, along with other pertinent documents, is contained in the file for this meeting in the City Clerk's Office). He commented on low employee morale relative to the pension issue. During an executive session, he said, Council had given direction to review possible alternatives of funding the pension deficit. An independent third party had reviewed the actuarial reports to ensure that the methodology was appropriate. Then at a pension board meeting the previous week, City Manager Lee said, it had been determined that an alternative methodology regarding the calculation of the City's pension plans would be considered; namely, those that involve the January 2005 implementation of the \$3.5 million deficit liability. Alternative methodologies, such as smoothing techniques, could greatly reduce the City's liability by ensuring that the liability is spread over a number of years. This is a liability that will be included in the budget process, he said.

Council Member MacIlvaine advised that there were indications of three possible alternative methodologies. He stressed that this does not pertain to current funds, but rather to changes in the amount required actuarially to meet future pension liabilities. He further said that the alternatives would greatly assist the City with the possibility that the City may be able to reduce contributions or possibly eliminate any additional increases to employee contributions. In response to Mayor Barnett, Council Member MacIlvaine confirmed that the pension board meetings are televised and rebroadcast. City Manager Lee stressed that the methodology was intended to provide an alternative to the liability and to eliminate possible increases in the future.

REVIEW OF 05/19/04 REGULAR MEETING AGENDAITEM 13

Continued Items: Item 13 (City Clerk employment agreement) and Item 14 (FPL Franchise Agreement) (Lee). **Added items:** Item 15 (Executive Session) (Pritt) and Item 16 (Variance Petition reconsideration) (Sorey).

During the review of items, Council Member Taylor said that the City Clerk had advised her that she did not desire a contract, that City Council had requested it. Miss Taylor then inquired as to the necessity of a contract and requested clarification regarding whether Council wishes to implement the City Clerk's salary increase and consider the particulars of the contract after the Council's summer recess. Mayor Barnett advised that he anticipated that the contract would come forward prior to the summer recess. Council Member MacIlvaine said that the other employees of the City Council have contracts, therefore, for consistency, a contract for the Clerk would be appropriate.

Council Member Sorey said that his understanding, after conversing with the City Clerk, is that her perception was that City Council had requested the contract, but that he concurs with Mr. MacIlvaine on the need for such a document. Mr. Sorey said that based upon the fact the City Clerk is eligible for retirement, a contract would ensure her staying. Mayor Barnett advised that, based upon previous Council concurrence, he and the City Clerk were in negotiations regarding the contract.

CORRESPONDENCE/COMMUNICATION

Council Member Sorey inquired as to receipt of Andres Duany Fifth Avenue Overlay District final report and the status of identifying an academic consultant for the Golden Gate Parkway/Airport Road overpass study. He also noted that the Moorings Bay special zoning district is still moving forward and advised of commitments for funding to establish an aquatic habitat in Naples Bay and to improve weirs in Golden Gate canal. Council Member Sorey inquired as to the status of the improvements to the Gordon River basin. Mayor Barnett advised that The Garden of Hope and Courage Music Festival accounting was forthcoming. Council Member Russell advised of a complaint regarding a private party in Royal Harbor not obtaining a live entertainment permit. Council Member Nocera advised that he and Mayor Barnett would be participating in the Celebrity Bartending Event and that tennis tournament raffle tickets were still available. Vice Mayor Wiseman inquired as to the status of a request received regarding the naming of a local park facility. Mayor Barnett inquired as to a consensus to consider a schedule change to discuss Naples Bay boat speeds at the June 16 regular meeting; he also inquired as to a consensus to conduct a joint County/City meeting regarding this issue, with the schedule to be determined by the City Manager. It was determined that Council Members would consult their calendars to advise the City Manager of their availability.

PUBLIC COMMENT: (2:21 p.m., continued; see Item 2) **Judith Chirgwin, 112 Tenth Avenue South**, expressed the opinion that Naples had shown the ability to protect itself against the County in the past, but that the County is more powerful than ever. Therefore, before conditions worsen in the City, and in Olde Naples in particular, she said, Council must realize that this area is different from the remainder of the County. She expressed concern that County residents are permitted to have a Naples address. Mrs. Chirgwin said that the original settlers to the City felt that Naples was for the wealthy and elegant, which is the spirit of Naples, but the community is now the victim of growth, progress and tourism. Olde Naples, she said, is however the only residential area in the City to have parking meters and asserted her opposition to sidewalks in her neighborhood, suggesting that the City instead vacate rights-of-way to the

property owners and discontinue the installation of sidewalks. **Henry Kennedy, 47 Tarpon Road**, referred to City Attorney Robert Pritt’s memo suggesting a delay to the boat speed issue until February 2008 when the boat study results are anticipated. Mr. Kennedy however expressed the view that this issue had remained unresolved long enough and cited campaign promises in this regard. He then expressed his concern that public comment is not included at the end of meetings, although this affords citizens the ability to speak to issues that had arisen during the session. Regarding the private party in Royal Harbor mentioned earlier, Mr. Kennedy said that if permits are going to be required for private parties at private residences on private property, then the requirement should be City-wide. Council Members Taylor and Russell explained that the complaint and discussion involved live entertainment permits that allegedly had not been obtained.

ADJOURN.....
2:30 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Pamela M. Koepke, Recording Specialist

Jessica R. Rosenberg, Deputy City Clerk

Carol Frank, Recording Specialist

Minutes Approved: 6/16/04