



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – October 3, 2005 – 8:32 a.m.**

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Mayor Barnett called the meeting to order and presided.

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

**Present:**

Bill Barnett, Mayor  
Tamela Wiseman, Vice Mayor (arrived 9:03 a.m.)

**Council Members:**

William MacIlvaine  
Johnny Nocera  
Gary Price  
John Sorey III  
Penny Taylor (arrived 8:38 a.m.)

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**Also Present:**

Robert Lee, City Manager  
Robert Pritt, City Attorney  
Victor Morales, Assistant to the City Manager  
Steven Moore, Chief of PESD  
Greg Gaffney, Police Lieutenant  
John Barkley, Police Officer  
Jessica Rosenberg, Deputy City Clerk  
Robin Singer, Community Development Director  
Stephen Weeks, Technology Services Director  
Elizabeth Rogers, Recording Specialist  
Ian Butler

Carl Suarez  
Andy Galyart  
John Domenie  
Carla Grieve  
Marvin Peterson  
Donald Spanier  
Henry Kennedy  
William Turner  
Gerhard Seblattnigg  
Laura Jacobs  
Other interested citizens and visitors.

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**SET AGENDA.....ITEM 2**

No changes.

**PUBLIC COMMENT.....ITEM 3**

None.

**PRESENTATION OF NEW POLICE UNIFORMS.....ITEM 4**

Steven Moore, Chief of Police and Emergency Services (PESD), said that the implementation date for the new uniforms is November 1 and that surplus funds from the prior budget year had been used to purchase nylon duty belts.

Lieutenant Greg Gaffney and Master Officer John Barkley then presented the new uniform chosen for comfort, durability, cost, and maintenance, and had the approval of the entire department. Chief Moore noted that the change in uniforms would be publicized.

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**It is noted for the record that Council Member Taylor arrived at 8:38 a.m.**

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.....**ITEM 5**  
**INTERVIEWS WITH CANDIDATES FOR VARIOUS BOARDS AND COMMITTEES**

8:39 a.m. Ian Butler – Planning Advisory Board

8:46 a.m. Carl Suarez – Code Enforcement Board

**HEIGHT AND SPATIAL PERCEPTION DISCUSSION.....ITEM 6**

Robin Singer, Community Development Director, gave a slide presentation (Attachment 1) depicting staff recommendations regarding overhang and balcony railing encroachments, as well as height exemptions within the spatial perception area. She noted that revisions should be made prior to recodification of the entire Code of Ordinances and be clearly documented to avoid issues of interpretation.

Director Singer recommended that in addition to allowing chimneys to extend above the height limitation, that they also be allowed to extend into the spatial perception area but not into the side setback.

In response to Council Member MacIlvaine, Director Singer suggested that the width of the building face be measured from the foundation, rather than from the roof and confirmed that the Planning Advisory Board (PAB) had approved the recommendations being presented that day. However, she further indicated that balcony drainage requirements (such as gutters) could be added to the recommendation.

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**It is noted for the record that Vice Mayor Wiseman arrived at 9:03 a.m.**

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In response to Council Member Sorey, Director Singer recommended against eliminating overhangs in setback areas based on not only energy conservation but also the flexibility afforded in building design; otherwise, overhangs would be sacrificed to a building footprint. She substantiated this position by citing the mission style that would not require an overhang because it contains a parapet (a low wall along the edge of a roof or balcony). An alternative, she said, would be to increase the setbacks. In further response, she stated that a recent variance petition for a viewing platform on a single-family residence had been attributed to a height issue rather than spatial perception. Council Member Sorey subsequently requested that staff, the PAB, and Council review a previous front porch encroachment issue.

*Consensus for staff to proceed with revisions to the Code of Ordinances and to codify previous determinations.*

**STAFF ACTION COMMITTEE DISCUSSION.....ITEM 7**

Community Development Director Robin Singer recommended replacing both staff members and the Council Member on the Staff Action Committee (SAC) with residents or members of the Fifth Avenue South Overlay District so as to avoid difficulties due to restriction on communications imposed by Chapter 286, Florida Statutes (Sunshine Law). Director Singer then gave a slide presentation (a copy of which is contained in the file for this meeting in the City Clerk's Office), and further noted that CRAAB (Community Redevelopment Agency Advisory Board) deals with parking approvals and that reviews of minor permits could be expedited if handled at the staff level. In addition, increased efficiency could result in using the Design Review Board (DRB) for all of this type of approvals.

Therefore, the following recommendations were articulated by Director Singer: 1) replace staff and the Council Member with others from the community; or 2) redistribute the authority and responsibilities of SAC among the DRB and possibly the Community Redevelopment Agency

(CRA), using other SAC members to fill vacancies on other boards. She also related her prior experience wherein a DRB had included business professionals, contractors, engineers and real estate professionals, as well as design professionals.

Vice Mayor Wiseman supported limiting but not dissolving SAC, recommending instead that overlapping jurisdictions be clarified, but retaining particularly those elements unique to Fifth Avenue South, such as appearance of structures. Additionally, none of the members of SAC desired for the group to be dissolved, she said; however, should Council decide to add duties to the DRB, additional members should be appointed. In response to Council Member Sorey, Vice Mayor Wiseman recommended that parking allocations be redistributed to CRAAB. Council Members Sorey and MacIlvaine, as well as Mayor Barnett, subsequently supported Vice Mayor Wiseman's position.

Council Member Sorey suggested that staff consider methods for obtaining architects to serve on various boards and committees. Director Singer agreed and offered to confer with the City Attorney.

*Consensus not to dissolve the Staff Action Committee, but to remove the Planning Director and Council Member; to consider redistributing certain responsibilities to other Boards and Committees; and to consider adding representatives from the business community and individuals with expertise in real estate, construction, or a similar field, to the DRB (Design Review Board).*

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**Recess: 9:22 a.m. to 9:28 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.**

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**PELICAN BAY ANNEXATION DISCUSSION .....ITEM 8**

Mayor Barnett announced that this item had been placed on the agenda primarily to respond to correspondence that had been received from the North Naples Fire and Rescue District (NNFD) (Attachment 2). Stressing that the main presentation of this topic would be at the October 17 City Council workshop, Mayor Barnett suggested that those individuals wishing to speak on the matter may wish to postpone their comments until that date.

City Manager Robert Lee reported that the feasibility of allowing NNFD to continue as the Pelican Bay service provider is currently being researched and that he would the next day meet with the County Manager. (Later in the discussion, he indicated that he would also query the County Manager on a report that the Board of County Commissioners (BCC) was considering accepting a quit claim deed for local streets in Pelican Bay.) On October 17, he said, staff would make a full presentation of the issues contained in the City's Pelican Bay Annexation Report (a copy of which is contained in the file for the September 19, 2005 meeting).

City Manager Lee explained that for the annexation to be placed on the ballot for February 2006, the first and second readings of the necessary ordinance must be completed in November. He then recommended that, prior to the October 17 meeting, Council Members forward any questions or requests for additional information to staff. While Mayor Barnett recommended that, after discussion, Council give consensus for City Attorney Pritt to commence drafting an ordinance, Council Member Taylor requested consensus as to whether the annexation should in fact be placed on the ballot.

City Manager Lee said that the compilation of applicable correspondence from Collier County, NNFD and other jurisdictions would be provided to the Council by the end of the week.

Council Member Sorey suggested that brief summaries of both financial and political issues be provided, and that bonding be considered should the City decide to construct a fire station. Council Member MacIlvaine suggested development of a question-and-answer fact sheet similar to the one published regarding a prior Charter amendment, and stressed the view that the matter of whether to annex Pelican Bay should be decided solely by the voters; Mayor Barnett concurred. Vice Mayor Wiseman sought a staff analysis of operational interaction between the Pelican Bay Foundation, the property owner association, and the Pelican Bay Services Division (PBSD) should annexation take place.

**Public Comment:** (9:42 a.m.) **Andy Galyardt, 306 Second Street South, Naples**, expressed the view that annexation is a growth management issue and urged further research prior to a referendum. He said that he felt the need for considerably more information than had been provided to date before making a decision. He urged Council to take whatever time is necessary to obtain facts. **John Domenie, 749 Bentwater Circle, Pelican Bay**, indicated that, despite reviewing the Pelican Bay Annexation Report, numerous questions remain regarding such issues as interlocal agreements, fire control, and nonpotable water service. He cited the following: 1) under the heading of Roads, Parks and Beaches, the sheriff's substation and the fire station had been omitted; 2) there had been no line item in the City's budget to fund acquisition or lease of the Pelican Bay maintenance area; 3) the report incorrectly states that the Pelican Bay Foundation and Collier County would be responsible for beach maintenance; and 4) there is no privately owned, reasonably priced property to establish City facilities that would be suitable and acceptable to Pelican Bay residents. Mr. Domenie also questioned the City's assertion that nine law enforcement personnel would be required to perform the services presently performed by five Collier County Sheriff's Deputies. **Carla Grieve, 5601 Turtle Bay Drive, Pelican Bay**, noted affiliations with both the Pelican Bay Property Owners Association and Pelican Bay Foundation, and expressed support for annexation, commending the City's governance and expressing the opinion that annexation would be in the best interest of both entities. **Marvin Peterson, 7008 Pelican Bay Boulevard, Pelican Bay**, former president of the Pelican Bay Property Owners Association, also expressed support for annexation. He then stated that State Representative Dudley Goodlette had recommended annexation as the City would then have a greater presence in relations with State government. Mr. Peterson also said that he believed Collier County could not govern as well as the City. **Donald Spanier, 812 Pitch Apple Lane, Pelican Bay**, noted several years' involvement with the Pelican Bay Services Division (PBSD), characterizing its operation as a seamless service delivery and political communication system. He therefore expressed opposition to annexation. **Henry Kennedy, 1580 Pelican Avenue, Naples**, expressed the view that annexation would be in the best interest of neither the City nor Pelican Bay unless the following issues were addressed: 1) the cost to the City, 2) landscape maintenance responsibility; 3) source of funding for fire protection; and 4) the law enforcement entity that would serve the area. If the answers are not obtained prior to a referendum, he predicted that voters would reject it. **William Turner, 6573 Marissa Loop, Pelican Bay**, urged patience with the process and indicated that he and various of his neighbors had been dissatisfied with County government. He urged that, with the necessary information, voters be allowed to decide. **Gerhard Seblattnigg, Chairman of the Pelican Bay Foundation**, explained that his

organization is not a governmental entity, but the homeowner association of Pelican Bay, and that the Foundation fully supports annexation (Attachment 3). He then pointed out that consent had been received from owners of 50% of the acreage in Pelican Bay and more than 50% of the residents. He said that once all information is obtained, a reasonable decision could be reached regarding fire service and that the Foundation would be a willing participant in any such decision. He added that, at present, no nonresidential or commercial interests planned to construct any buildings that would exceed the City's 42-foot height restriction and therefore recommended that this not be included in the annexation ordinance. He then assured Council that the Foundation funds its own legal fees through member assessment and offered to assist in obtaining information cited as being needed prior to annexation. Mr. Seblatnigg also reported that a new parking garage, under construction in the northern portion of Pelican Bay on County property, would increase the parking spaces for public beach access to approximately 500.

In response to Council Member Taylor, Mr. Seblatnigg agreed that the City provides more beach access than Pelican Bay but pointed out that this access is derived from numerous thoroughfares whereas Pelican Bay's 2.5 mile stretch of beach is separated from the residential area by a large mangrove preserve, crossed by five boardwalks, two private and three public. In response to Council Member Nocera, Mr. Seblatnigg expressed the opinion that property values would be negatively affected if a portion of the two private boardwalks were required to be surrendered. He also pledged the cooperation of the Foundation in arriving at a mutual agreement on fire protection, although NNFD had provided excellent service, despite the disparity that exists between what Pelican Bay currently pays and the City's proposal.

In response to Council Member Taylor, Laura Jacobs, legal counsel for NNFD, stated that although she could not presently offer an opinion as to whether an interlocal agreement would in fact be reached prior to the election, NNFD is open to such an arrangement. The NNFD however is awaiting additional information from sources other than the City and Pelican Bay, she added, and also indicated that NNFD must consider not only Pelican Bay residents, but also those in the remainder of the district. She then confirmed that the cost analyses previously requested by Council would be provided in time for adequate review prior to the October 17 meeting; said analyses would include NNFD's current cost to serve Pelican Bay, and the cost to create a new district similar to that of Pelican Bay.

Council Member Sorey stated that he had not as yet made a decision on whether to support annexation, but urged that all involved must make their best effort to provide voters with information, including public forums. Both Mayor Barnett and Council Member Sorey advocated drafting of an annexation ordinance, with Mayor Barnett concurring that there would be ample time for debates, forums, questions, and responses. While expressing support for allowing City and Pelican Bay voters to express themselves on the issue of annexation, Council Member Price said that he was nevertheless against placing it on a referendum ballot prior to resolving certain issues such as provision of reclaimed water for irrigation. He then made the following requests: 1) that prior to October 17, 50% property consent be validated; 2) that the 42-foot building height restriction be applied to Pelican Bay and that it be included in the annexation ordinance; and 3) that the Planning Advisory Board (PAB) henceforth be included in all annexation processes, including Pelican Bay. Council Member Nocera concurred with the

recommendation that the PAB be afforded the opportunity to review the Pelican Bay annexation, and supported drafting an ordinance.

Vice Mayor Wiseman said that while she supported preparation of an ordinance, she would not be inclined to vote in favor of passage unless responses to certain issues were forthcoming. In response to Mayor Barnett, she expressed doubt that the courts would rule on the matter of the provision of reuse water to Pelican Bay until Collier County actually took action to deny the service since no one had yet been adversely affected.

In response to Council Member Price, Mayor Barnett clarified that Council had previously determined that no conflict with reference to legal representation existed if City Attorney Pritt were to draft an annexation ordinance. Council Member MacIlvaine supported drafting an annexation ordinance for submission to referendum, expressing the belief that the necessary information would be forthcoming in a timely manner.

Council Member Taylor also supported drafting an ordinance, but said adopting it would convey Council's endorsement of the annexation. She then requested a report at the October 17 workshop on the number and subject of interlocal agreements that would be required in conjunction with the annexation process, as well as whether that process could be completed by November. Mayor Barnett however said he did not believe that Council would be endorsing annexation by virtue of adopting an annexation ordinance, but would merely be endorsing the process. Vice Mayor Wiseman however suggested postponing the annexation vote until November 2006, at which time there would be a general election whereby a County Commissioner for District 2 (containing Pelican Bay) would be selected. Various Council Members stated that the aforementioned suggestion should be considered.

*Consensus for the City Attorney to commence drafting an ordinance including certain variables such as inclusion/exclusion of NNFD.*

**DISCUSSION OF CITY/COUNTY JOINT WORKSHOP .....ITEM 9**

City Manager Robert Lee announced that a City/County Joint Workshop had been scheduled for October 18, (9:00 a.m. to noon) and that an interlocal agreement with Collier County, FEMA (Federal Emergency Management Agency) and South Florida Water Management District (SFWMD) was being pursued in order to ensure that all are in accord with additional, new science regarding flood elevations. The update on October 18 would include a detailed scope and timeframe for completing the work, he added. (It was noted later in the meeting that since this date coincides with a Growth Management Seminar, hosted by the Florida Department of Community Affairs (DCA) and the Southwest Florida Regional Planning Council (SFRPC), an alternate date would be pursued.) City Manager Lee further advised that the County Manager's office had suggested the following items: 1) Affordable Housing Commission composition; 2) Fifth Avenue redevelopment; 3) FEMA maps; and 4) Caribbean Gardens (Fleischmann-owned zoo property). City Manager Lee stated that he had however suggested that City and County Community Redevelopment Agency (CRA) issues be considered at another meeting between the respective agencies and their advisory boards. However, another item for the October 18 meeting might be a joint City/County emergency management presentation addressing evacuation plans in a Category 5 hurricane event. Various Council Members supported adding this item to the agenda. Council Member Sorey requested that discussion of beach access also be added to the agenda.

Council Member Taylor suggested adding a discussion of the Gordon River Greenway, relative to Caribbean Gardens.

Vice Mayor Wiseman however recommended limiting the number of agenda items so that all could receive equal consideration. Various Council Members concurred, and Mayor Barnett suggested requesting that the County allot a certain amount of time for each item. Council Member Taylor advised Council Members to arrive at the Collier County government complex early due to parking limitations.

*Consensus for City Manager to request addition of the following agenda items to the aforementioned joint session, allotting a designated amount of time for each: 1) a joint presentation and discussion, by Chief Moore (PESD) and the County Emergency Management Director, addressing a Category 5 hurricane and evacuation plans; 2) beach access discussion; and 3) Gordon River Greenway discussion. City Manager is to also request: 1) that the October 18 joint workshop be rescheduled for a later date if it conflicts with a Growth Management Seminar in Fort Myers; and 2) a separate joint workshop between the County CRA (Community Redevelopment Agency) and City CRA, as well as their respective advisory boards, to discuss issues such as Fifth Avenue South redevelopment.*

.....ITEM 10  
**REQUEST FOR ATTORNEY/CLIENT SESSION PERTAINING TO MARINE INDUSTRIES ASSOCIATION OF COLLIER COUNTY, INC. V. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AND CITY OF NAPLES; STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS; CASE NOS: 05-2035, 05-2034, 05-2036, AND 05-2037. (Requested by City Attorney)** Pursuant to Section 286.011(8)(a), Florida Statutes, City Attorney Robert Pritt requested that Council conduct an executive or closed (attorney/client) session at 11:45 a.m. during the Regular meeting of October 5, 2005, to discuss settlement negotiations and strategy related to litigation expenditures in reference to **Marine Industries Association of Collier County, Inc. v. Florida Fish and Wildlife Conservation Commission and City of Naples; State of Florida Division of Administrative Hearings; Case Nos: 05-2035, 05-2034, 05-2036, AND 05-2037.** The following persons will be present for the executive session: Mayor Bill Barnett; Vice Mayor Tamela Wiseman; Council Members Penny Taylor, Johnny Nocera, John Sorey III, Gary Price II and William MacIlvaine; City Manager Robert E. Lee; City Attorney Robert D. Pritt; Attorneys James Fox and Robert Menzies of Roetzel & Andress; and Pam Arsenault of AAF Reporting or other certified court reporter. The estimated duration of the session is 15 minutes.

**Public Comment:** (10:50 a.m.) **Henry Kennedy, 1580 Pelican Avenue**, cautioned Council against discussing items in the above executive session that should be before the public and predicted numerous requests for transcripts. Vice Mayor Wiseman assured Mr. Kennedy that, before each attorney/client session, City Attorney Pritt reminds Council of limitations on its discussions in that forum. She further noted that Council is also aware that the transcripts become public once a settlement is reached or litigation is terminated.

**BRIEFING BY CITY MANAGER .....ITEM 11**

City Manager Robert Lee stated that a copy of his written report (a copy of which is contained in the file for this meeting in the City Clerk's Office) had been provided to Council for review. He then stated that City utility customers now have the ability to pay bills online.

City Manager Lee commended Community Development staff for compiling a list of frequently asked questions (FAQ sheet) for residential property owners, with input from the Presidents' Council, which had been included in the packet (a copy of which is contained in the file for this meeting in the City Clerk's Office). The FAQ sheet, which addresses such issues as placement of refuse containers for pickup, had been forwarded to presidents of numerous homeowner associations, had been placed on the City's website, and would soon be publicized via the City's television station, he added.

City Manager Lee reported that utilization of the automated parking pay station would commence at the Fishing Pier that day; staff would be present to facilitate usage.

Regarding a cooperative effort with Collier County concerning the mooring field, City Manager Lee stated that the County's contract with its vendor would terminate in October; therefore, should Council agree, staff would submit a Request for Proposals (RFP) for professional services, with an anticipated proposal opening date of October 17. Council would then consider the issue at the first meeting in November, he added.

Finally, City Manager Lee reported that recent outreach meetings pertaining to the new FEMA (Federal Emergency Management Agency) flood elevation maps had been attended by numerous citizens. He then announced that a meeting with area contractors would be scheduled for October to discuss the 50% rule (regarding rebuilding after damage) as applicable to nonconforming structures in the City. He also noted continuing negotiations with FEMA regarding ensuring that regulations are legally acceptable as well as practical for contractors. Responding to Council Member Sorey, City Manager Lee stated that an ordinance adopting the new FEMA flood maps could be presented for consideration as early as October 19, but must be adopted no later than November 17. Council Members Price and Sorey commended staff and FEMA representatives for their efforts in answering questions and being available to assist citizens at the aforementioned outreach meetings.

In response to Council Member Taylor, City Manager Lee said that he would research and forward his response as to whether the north side of Fifth Avenue South had sufficient amperage to allow for ambient lighting. She and Mayor Barnett then commended staff for their exemplary efforts in compiling the aforementioned FAQ sheet.

**REVIEW OF ITEMS ON THE 10/05/05 REGULAR MEETING AGENDA .....ITEM 12**

Item 7-a (approval of minutes) Council Member Taylor noted the following correction to page 5 of the September 6, 2005, Workshop minutes: "Kathleen McFadden...she had been a City resident for nine months but had been visiting for three years..."; and Council Member Sorey noted that he had, prior to the meeting, pointed out two other typographical errors to the clerk. Item 7-b(13) (Naples National Art Festival) Council Member Taylor inquired as to the location of the block party scheduled for the same day. Item 7-d (live entertainment permit renewal for Bice Ristorante) Council Member Taylor requested confirmation that the private room is now



open to the public. Item 7-k (amendment to the agreement for improvements on Third Avenue South) Council Member Taylor requested clarification regarding transferring a budgeted item from one year to the next. Item 8 (Gaynor fence and wall waiver petition) Council Member Taylor requested clarification as to whether the measurement for the wall would be from the grade of the original lot or from fill that had later been added; if from the latter, she requested that minutes regarding wall waivers and the Port Royal Association be provided to Council. Vice Mayor Wiseman requested clarification as to whether a conflict exists regarding legal counsel. Item 12 (St. Ann's conditional use petition) Council Member Price inquired as to the reason staff recommended denial of the original petition but approval of this one. Item 14 (Eagle View petitions) City Attorney Pritt noted that he had revised the rezone petition ordinance and the residential impact statement resolution; he requested agenda item renumbering as follows: "~~14-e~~ 14-b...Small-Scale Comprehensive Plan Amendment..." and "~~14-b~~ 14-c...Rezone Petition..."

**CORRESPONDENCE/COMMUNICATIONS .....**

In response to Mayor Barnett, City Manager Robert Lee explained that staff had addressed the anonymous correspondence in question because the complaints regarded Code Enforcement issues, which were independently verifiable. Vice Mayor Wiseman noted that Code Enforcement complaints contained in anonymous correspondence should be addressed in the same manner as those made to a Code Enforcement Officer.

Council Member Taylor stated that she had recently been notified that Fleischmann Dock property owners had served all liveaboard tenants with eviction notices in order to commence renovations. She then suggested that staff commence negotiations regarding the potential for constructing restroom facilities on the property.

Council Member Taylor reiterated a request she said she had made on September 7 for ways of adopting a city devastated by Hurricane Katrina. City Attorney Robert Pritt reported that he had composed a memorandum approving the City matching employee payroll deductions and expressing concern pertaining to donating funds to a private citizen. City Manager Lee then agreed to research the viability and methodology for adopting a city. Vice Mayor Wiseman stated that she had been chastised by citizens for supporting the use of public funds for hurricane relief and noted that citizens are privately making contributions. Council Member MacIlvaine expressed the view that expending revenues outside of the State, City, or County, without taxpayer permission, is not within Council's purview.

Council Member Taylor recommended that staff assess the reopening of City beaches in a timely manner following renourishment. In response to Council Member Sorey, Mayor Barnett stated that either Mr. Sorey or City Manager Lee could request that Ron Pennington, Chairman of the Collier Coastal Advisory Committee (CCAC), in the near future provide an updated timeline for beach renourishment.

**ADJOURN** .....  
11:21 a.m.

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Minutes prepared by:

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Elizabeth Rogers, Recording Specialist

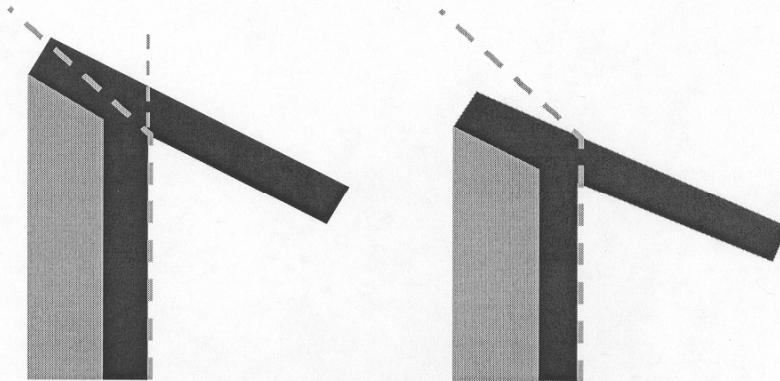
Minutes Approved: 11/2/05

## Height and Spatial Perception

Three areas of clarification:

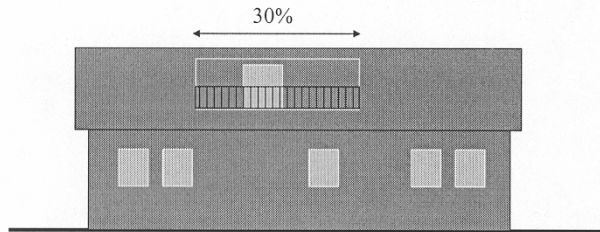
- Line of encroachment for overhangs
- Balcony railings
- Height exemptions within spatial perception

## Overhang Encroachment



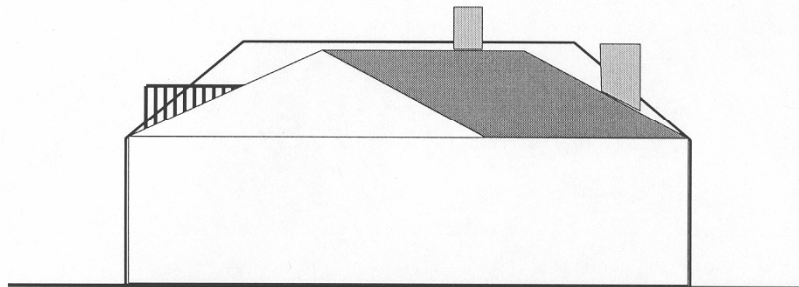
Recommendation: Clarify overhang encroachment to outside plane of exterior wall

## Height and Spatial Perception Exemptions



Recommendation: Limit railing encroachments in Spatial Perception area to open railings (50%) and not more than 30% of the width of the building face at grade.

## Height and Spatial Perception Exemptions



Recommendation: allow height exemptions in Spatial Perception area.



**North Naples Fire Control & Rescue District**  
**1885 Veterans Park Drive - Naples, Florida 34109**  
**(239) 597-3222 Fax (239) 597-7082**

September 22, 2005

Mayor Bill Barnett  
735 Eighth Street South  
Naples, Florida 34102  
(239) 213-1010 (FACSIMILE)

RE: North Naples Fire Control & Rescue District  
Exclusion of Fire Protection Services

**RECEIVED**

**SEP 27 2005**

**MAYOR'S OFFICE**

Dear Mayor Barnett:

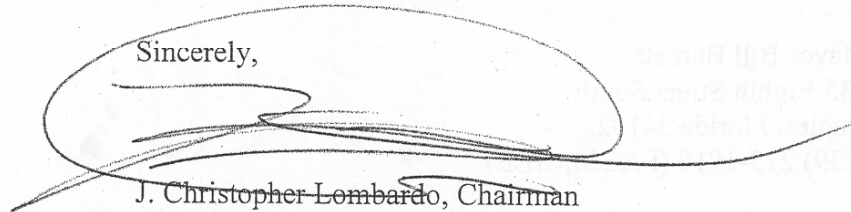
On behalf of the North Naples Fire Control & Rescue District ("District"), please consider this letter the District's official request to the City of Naples ("City") to elect not to assume fire protection services if the City annexes Pelican Bay. If the City Council determines that the issue of annexation should be presented to the residents of Pelican Bay and the residents of the City of Naples, then the District requests that the City include a provision within its ordinance that excludes the provision of fire protection services by the City to Pelican Bay. Enclosed for your review is a proposed ordinance provision providing for such exclusion.

The District's request proposes a solution to the City that allows the District to continue to provide services to Pelican Bay with no cost to the City. Under this scenario, the City would provide in its annexing ordinance not to assume the fire protection service responsibilities. The District remains the service provider in Pelican Bay and continues to levy its ad valorem taxes on Pelican Bay. According to our legal counsel, the City could levy a tax rate on Pelican Bay less the amount of millage attributable to the provision of fire protection services in order to avoid potential claims of double taxation. The City would not have to buy land, build a new fire station or hire new firefighters. In addition, the City would not have to do any short-term borrowing to pay the deficit that will occur if the City elects to assume fire protection services.

Mayor Bill Barnett  
September 22, 2005  
Page Twp

The District hopes that we will be able to reach a mutually agreeable decision with the City regarding the provision of fire protection services to Pelican Bay.

Sincerely,

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

J. Christopher Lombardo, Chairman  
Board of Fire Commissioners

cc: City Council Members  
Dr. Robert Lee  
Board of Fire Commissioners



Pelican Bay Foundation, Inc.

RECEIVED

SEP 26 2005

CITY MANAGERS OFFICE

September 26, 2005

Honorable Mayor Barnett  
Naples City Hall  
735 Eighth Street South  
2nd Floor  
Naples, FL 34102

Dear Mayor Barnett,

At today's regular meeting the Pelican Bay Foundation's Board reaffirmed its strong support for annexation.

I am pleased to enclose a copy of the statement, which expresses the Board's position.

Sincerely,

Gerhard H. Seblatnigg, Chairman  
Pelican Bay Foundation Board of Directors

Enclosure

GHS/gor

RECEIVED

SEP 26 2005

MAYOR'S OFFICE

Pelican Bay Foundation, Inc. • 6251 Pelican Bay Boulevard • Naples, Florida 34108  
(239) 597-8081 • (239) 597-6802 FAX • E-Mail: memberservices@pelicanbay.org



## **PELICAN BAY FOUNDATION, Inc.**

### **Statement Regarding the Foundation Board's Position on Annexation**

**In late 2003, Foundation Board members, increasingly dissatisfied with Collier County governance, began discussing alternative forms of governance for Pelican Bay.**

**The options considered were incorporation and annexation to Naples. Based on changes in the law, incorporation was no longer possible. For a number of reasons, annexation appeared desirable and meetings were held with City and County managers in order to gather information. Leaders of the PBPOA (Pelican Bay Property Owners Association) and of the PBSB (Pelican Bay Services Division) joined Foundation leaders in these meetings.**

**Based on early analysis, annexation appeared feasible and the Foundation Board took the lead in informing and polling the Membership.**

**Favorable responses prompted the Foundation Board to approach the City in early 2004 to request that annexation of Pelican Bay be considered.**

**The Foundation Board expressed its own strong support for annexation, based primarily on three factors:**

- 1. Pelican Bay represents only 4% of the County's population and will shrink to 2%, given the fast growth to the east of us.**
- 2. Pelican Bay represents only 13% of the voters in District 2, having a minimal voice in government matters.**
- 3. Pelican Bay has a great deal in common with Naples, while the rapidly developing areas to the east have different demographics and issues.**

**Since then the Foundation Board has been a strong advocate of annexation and has devoted funds and time to take the necessary steps towards this goal, believing it to be in the best interests of Pelican Bay's residents and commercial entities.**

**As Board members have changed, new members have expressed their commitment to annexation.**

**The Foundation Board looks forward to the City Council's approval of an annexation ordinance, placing this issue before the voters in early 2006.**

**September 2005**