



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – February 20, 2007 – 8:30 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  
Johnny Nocera, Vice Mayor (arrived 8:35 a.m.)

**Council Members:**

William MacIlvaine  
Gary Price, II (absent)  
John Sorey, III  
Penny Taylor  
William Willkomm, III

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**Also Present:**

Robert Lee, City Manager  
Robert Pritt, City Attorney  
Vicki Smith, Technical Writing Specialist  
Tara Norman, City Clerk  
Jessica Rosenberg, Deputy City Clerk  
Stephen Weeks, Technology Services Director  
Paul Bollenback, Building Official  
Adam Benigni, Planner  
Robin Singer, Community Development Director  
Chet Hunt, Assistant City Manager  
Gregg Strakaluse, Engineer Manager  
Christa Carrera, Floodplain Coordinator  
Dan Mercer, Public Works Director  
Sharon Kenny  
Sue Smith

Peter Manion  
Henry Kennedy  
Elaine Reed  
Rodney Schwasinger  
Donald McLaughlin  
Skip Zink  
Willie Anthony  
Bonnie Dearborn  
Jackie Sloan  
David Buser  
Bill Musser  
Robert Wiley

**Media:**

Aisling Swift, Naples Daily News  
Other interested citizens and visitors.

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

City Manager Robert Lee indicated that there were no additions or deletions to the agenda.

**PUBLIC INPUT .....ITEM 3**

None.

**INTERVIEWS WITH CITIZENS POLICE REVIEW BOARD CANDIDATES .....ITEM 4**

Deputy City Clerk Jessica Rosenberg indicated two candidates present for interviews: Donald McLaughlin (8:31 a.m.) and Rodney Schwasinger (8:35 a.m.).

**FUN TIME NURSERY UPDATE .....ITEM 5**

Peter Manion, Co-chair of the Fun Time Early Childhood Academy, gave an electronic presentation. (It is noted for the record that printed copies of this and other materials presented

during this item are contained in the file for this meeting in the City Clerk's Office.) He explained the current status of the facility and future plans (see Attachment 1). Due to a financial crisis in the summer of 2006, he and his co-chair, Susan Manion, had decided that reorganization was necessary in order for a permanent, modular structure to be provided; such a structure would accommodate 75 children, which is a 50% capacity increase. Mr. Manion further pointed out the reorganization had resulted in a \$40,000 deficit being converted to a \$119,000 surplus at year-end due to community support, including the United Way Community Foundation, which had assisted with emergency funding. He noted the establishment of the Pat and Laura Cacho Scholarship Fund (current fund balance \$25,900) and expressed the hope of endowing the organization so as to avoid future financial crises.

Skip Zink, Board Member, then displayed a color rendering of a preliminary site plan and cited the projected total construction cost at \$2.2-million. Preliminary site plan review is pending input from Community Development Director Robin Singer, which includes a proposed cul-de-sac at the end of 12<sup>th</sup> Street North to be used as an alternative entrance to Goodlette-Frank Road (Attachment 2). Nevertheless, plans are contingent upon the City constructing 12<sup>th</sup> Street North on street parking concurrent with the project's completion. He also indicated that fill material is needed for the site.

In response to Council Member Taylor, Mr. Zink explained that permanent modular construction first entails placement of a concrete foundation; following installation of the modular structure, a permanent roof is constructed on-site and attached, thereby lowering the cost up to 40%. He added that stem wall construction is a consideration to lessen the amount of fill necessary and to enhance drainage. Also in response to Council Member Taylor, Mr. Manion indicated there is no litigation against Fun Time, nor any members of its Board currently. Council Member Sorey and Vice Mayor Nocera commended the Manions for their efforts and stated that they fully support Fun Time; they also recommended that any aid requested from the City be made known prior to review of the next fiscal year's budget. Miss Taylor suggested that Collier County waive impact fees, and Mayor Barnett urged staff to regard anything concerning Fun Time as a priority to enable the construction to move forward as quickly as possible.

During additional discussion, Mr. Manion explained that the original plans included underground baffling for drainage; that the stormwater retention plans contained in the \$10-million proposed project will be implemented in the scaled-down construction to ensure adequate drainage.

**Public Comment:** (9:04 a.m.) **Willie Anthony, 559 14<sup>th</sup> Street North**, thanked Council for its support of Fun Time and questioned whether on-street parking for the facility was to be provided along 12<sup>th</sup> Street North. Council Member Sorey asked Mr. Manion to review this request and also praised Mr. Anthony for his involvement in the River Park neighborhood collection to benefit Fun time, which had resulted in a donation of approximately \$3,000.

**HISTORIC PERSERVATION ORDINANCE .....ITEM 6**

Community Services Director Robin Singer explained that the 2004 draft ordinance (a copy of which is contained in the file for this meeting in the City Clerk's Office) was the most recent and included voluntary historic preservation; it had been sent to the Planning Advisory Board (PAB) in January. However, the PAB, before moving forward, had requested direction on the following: whether interest in the ordinance remained (which would entail the updating of maps referencing historic structures in the City) and whether Council wished to consider becoming a

Certified Local Government (CLG) in relation to this process. Utilizing an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office), Planner Adam Benigni pointed out that the first discussion of this item had occurred in 1988 and had been occurring periodically since that time. He said that the CLG designation had also been discussed in the past and that the current draft ordinance included provisions, on a voluntary basis, for incentives such as tax credits and Federal Emergency Management Agency (FEMA) exemptions, along with financial assistance, building and zoning code exemptions, TDR's (Transfer of Development Rights) and recognition of historic significance.

Bonnie Dearborn, Community Assistance Consultant and Administrator with the Southeast Florida Regional Preservation Office, Division of Historical Resources, Bureau of Historic Preservation for the State of Florida, gave an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) explaining that she provides technical assistance to communities constructing ordinances such as the one under discussion. She pointed out that preservation is making use of a historic building or neighborhood's distinctive characteristics and thereby restoring its economic viability. Historic buildings reflect a community's heritage and its personal visual identity, Ms. Dearborn also noted, and asserted that changes which are compatible and respectful of the community's historic fabric, are generally welcomed.

In response to Council Member Taylor, she said that once the draft ordinance meets with the necessary criteria, the CLG designation is granted within weeks. This will then allow application for historic preservation grant funding from the federal government, of which Florida received \$750,000 the prior year. Council Member Sorey asked whether any municipalities had recently requested the designation, pointing out that due to the rising land and construction costs, historic preservation had met with opposition in the City; in addition, he cited concern for private property rights as a factor in the local situation. Ms. Dearborn said that Fort Lauderdale is currently seeking its CLG and that Pompano Beach had obtained its designation one year ago; however, she stressed that a community must determine its goals in this regard, adding that heritage tours is a growing industry. She then further reviewed the historic preservation impact in Florida (Attachment 3).

**Public Comment:** (9:47 a.m.) **Sharon Kenny, no address provided**, characterized demolition of the Haldeman residence, Naples' oldest home, as a tragic example, underscoring the need for enactment of a historic preservation ordinance. She urged moving forward. In response to concerns from Council Members MacIlvaine and Willkomm, Council Member Taylor pointed out that this type of ordinance is functioning in other cities and that a structure on valuable land could be retained, remodeled, and continue to be an asset monetarily to the owner. She also expressed the belief that FEMA exemptions in fact exist for homes over 50 years of age. Vice Mayor Nocera noted that he would find it extremely difficult to support this ordinance without ample property owner input and support. **Jackie Sloan, 239 Broad Avenue South**, urged public meetings for open discussion of this item. Vice Mayor Nocera stated that he would encourage the involvement of the Design Review Board (DRB) if further interest in the ordinance exists. **Elaine Reed, 137 12<sup>th</sup> Avenue South**, Executive Director for the Naples Historical Society, read into the record a letter from Society President Donald Wingard (Attachment 4). She asked that additional workshops be conducted and that residents be included, especially with regard to private property rights. **Sue Smith, 11<sup>th</sup> Avenue South**, strongly objected to the ordinance

under consideration, stating that she believes it to be an invasion of her rights as a private property owner; she also expressed the belief that residents in the current historic district do not favor such an ordinance.

Council Member Sorey pointed out that the existing historic district ordinance provides some guidelines but that a policy might be advisable to residents who wish to obtain historic preservation status of their properties. During further discussion of criteria, Council requested that a joint meeting with the PAB be scheduled as soon as possible and that property owners in the current historic district be notified to enable their participation.

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**Recess: 10:38 a.m. to 10:52 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Council Member Taylor who returned at 10:54 a.m. and Council Member Willkomm at 10:55 a.m.**

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**FLOODPLAIN ORDINANCE UPDATE.....ITEM 7**

City Manager Robert Lee explained that staff had been working with the Federal Emergency Management Agency (FEMA) with the goal of drafting an ordinance that provides the minimum FEMA standards yet one that would remain City-specific. Building Official Paul Bollenback pointed out that the draft ordinance before Council reflects changes deemed necessary by FEMA and that other, administrative and/or grammatical changes are also incorporated within it. (It is noted for the record that a copy of the aforementioned ordinance is contained in the file for this meeting in the City Clerk's Office.) He noted that Robert Wiley, Collier County Engineering Services Department, was present although staff had been unable to arrange for FEMA representation. Mr. Bollenback then cited two areas of amendment pursuant to FEMA requirements, which he noted may be considered controversial. These are the deletion of the double appraisal method and deletion of a provision that deemed structures considered lawfully built after July 16, 1980 to be considered compliant for the life of the structure. He said that structures built within 1,500 feet of the Gulf of Mexico may now undertake remodeling once a year instead of the previously stated five-year interval.

City Floodplain Coordinator Christa Carrera gave an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) (see also Attachment 5). She reviewed the purpose for the proposed Flood Damage Prevention Ordinance and the City's participation in the National Flood Insurance Program (NFIP). Citizens, she said, realize an average annual savings of \$132 per individual policy, amounting to an approximate 20% discount; failure to uphold and enforce the ordinance would result in probation and even suspension of the City from the NFIP. This would incur a \$50 penalty fee to each policyholder as well as a substantial premium increase. There would also be a possibility that no new flood insurance policies would be written or existing policies renewed. Therefore, she said, the consequences of suspension from the NFIP would result in loss of flood insurance, but could also entail loss of grant monies and loss of technical assistance from FEMA for those residents interested in retrofitting their homes. Ms. Carrera stated that the City's priorities to achieve FEMA compliance are: adoption of the aforementioned ordinance; closure of issues related to the Community Assistance Visit from 2002 (approximately 30 structures are in need of review for non-compliance); and completion of the Community Rating System (CRS) 5 Year Cycle Visit (which cannot be done until the other two listed items are complete).

In response to Council Member Sorey, Building Official Bollenback confirmed that nearly all homes in Naples, since the November 17, 2005, re-mapping are essentially non-conforming, which means that remodeling is allowed up to 50% of the value of the structure (excluding land) and that, in the case of severe damage amounting to over 50% of the value, the structure must be demolished and rebuilt to new FEMA standards. Robert Wiley further explained that in the event of extensive damage to a structure, appraisers would research County Property Appraiser records for the value of the house before destruction; City Attorney Robert Pritt added that some insurance records would also be helpful in establishing the pre-damage value.

*Consensus to accept staff recommendation to not appoint a task force for review of the proposed ordinance.*

*Consensus to refer the proposed ordinance to the Planning Advisory Board (PAB) as soon as possible so that recommendations can be returned to Council for passage of the necessary ordinance amendment.*

**REVIEW OF ITEMS ON THE 02/21/07 REGULAR MEETING AGENDA .....ITEM 11**

Regarding Item 7 (Naples Sailing and Yacht Club dredging/dock permit application), Mayor Barnett requested a copy of the Coast Guard permit regarding navigation and Council Member Taylor asked for clarification of the areas to be dredged. Council Member Taylor also requested that the following be removed from the Consent Agenda for separate discussion: Item 8-i (grant funding for water supply feasibility study) to provide information on the relationship of the grant with current efforts; Item 8-k (pedestrian waterfront easement from Naples Sailing and Yacht Club) to determine whether the width is sufficient to accommodate disabled access; and Item 8-l (HUD Community Development Block Grant) for itemization of the changes from prior years' grant funding. Miss Taylor also requested, with regard to Item 9 (Walgreens Pharmacy rezone), verification of the closure hours approved at first reading. City Manager Robert Lee requested the continuance of Item 12 (anchorage ordinance) and Item 16 (Memorandum of Understanding/MOU regarding Keewaydin Island).

**STORMWATER PLAN UPDATE .....ITEM 8**

Engineer Manager Gregg Strakaluse introduced Consultant Bill Musser with the consulting firm of Tetra Tech who gave an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) of the Stormwater Management Plan (SMP). This presentation included review of the following:

- Objectives
- Assimilate, reorganize, and analyze existing data
- Assess Level of Service (LOS) methodology
- Assess water quantity issues (flooding)
- Assess water quality issues (pollution)
- Assess future regulatory issues
- Assess financial issues / opportunities and
- Recommendations and SMP template

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**Recess: 12:34 p.m. to 12:41 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Vice Mayor Nocera who returned at 12:44 p.m. and Council Member Willkomm at 12:45 p.m.**

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**VARIANCE CRITERIA (Continued to 03/05/07 Workshop).....ITEM 9**

*Consensus to continue this item to 03/05/07 workshop.*

**BRIEFING BY CITY MANAGER.....ITEM 10**

(It is noted for the record that a printed copy of the City Manager’s report is contained in the file for this meeting in the City Clerk’s Office.) City Manager Robert Lee also noted the May 1 joint workshop with the Board of County Commissioners (BCC) at 9:00 a.m., at the County Commission Board Room.

**PUBLIC COMMENT.....**

**David Buser, 5187 Starfish Avenue, Seagate Homeowners Association,** pointed out proper methods and points of measurement of pollutants into Naples Bay, such as the Gordon River. With regard to funding for stormwater projects, he noted that stormwater utility taxing is much lower in Naples than in other cities around the State and that those taxes collected should be applied within the watershed where they are collected; he also recommended that tax incentives also be developed in this regard. Council agreed to allow Dr. Buser presentation time during the March 5 workshop under the Clam Bay agenda item.

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

Council Member Sorey suggested that staff contact Phil McCabe, owner of the Park Street project, for coordination with the City’s plaza project, to which Council concurred. Council Member Taylor expressed concern regarding revealing the identity of complainants during the investigation of code violations. She also noted a request by Lake Park Association that citizens accompany code enforcement officers to aid in pointing out violations in the area. Council Member Willkomm requested information on current requests for proposals (RFP’s) for parking garages, the cost of the recently constructed Collier County Government Complex parking garage, and the costs of the current parking garage at Eighth Street and Fourth Avenue South. Miss Taylor additionally requested that staff provide for public review copies of these materials and also requested the most recent Community Redevelopment Agency (CRA) monthly report.

**ADJOURN.....**

1:30 p.m.

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Minutes prepared by:

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Vicki Smith, Technical Writing Specialist

Minutes Approved: March 21, 2007

*Fun Time Early Childhood Academy*



**OBJECTIVE:**

*Fun Time Early Childhood Academy is a 45 year old institution providing safe, affordable early education and childcare for the children of low income working parents, especially those living in River Park.*

*Fun Time Early Childhood Academy*



**REORGANIZATION:**

- Effective October 2006
  - Eight new members on the Board of Directors.
  - New Co-chairs, Peter and Susan Manion
  - New building Objective
    - Design and build a new permanent modular building on the 12<sup>th</sup> Street North property and provide early learning and childcare for 75 children, a 50% increase in children served.*

*Fun Time Early Childhood Academy*



**FINANCIAL:**

- Financial concerns corrected:
  - 2006 Year End Cash Position \$119,542.00
- Broad based community financial support received:
  - United Way
  - Community Foundation
  - River Park Community
- Pat & Laura Cacho Scholarship Fund established.
  - Fund balance \$25,900.00

*Fun Time Early Childhood Academy*



**ADMINISTRATION:**

- Highly qualified Executive Director appointed mid-December 2006.
- Favorable press coverage including the Naples Daily News Editorial on December 4, 2006.

*Fun Time Early Childhood Academy*



**BUILDING PLANS:**

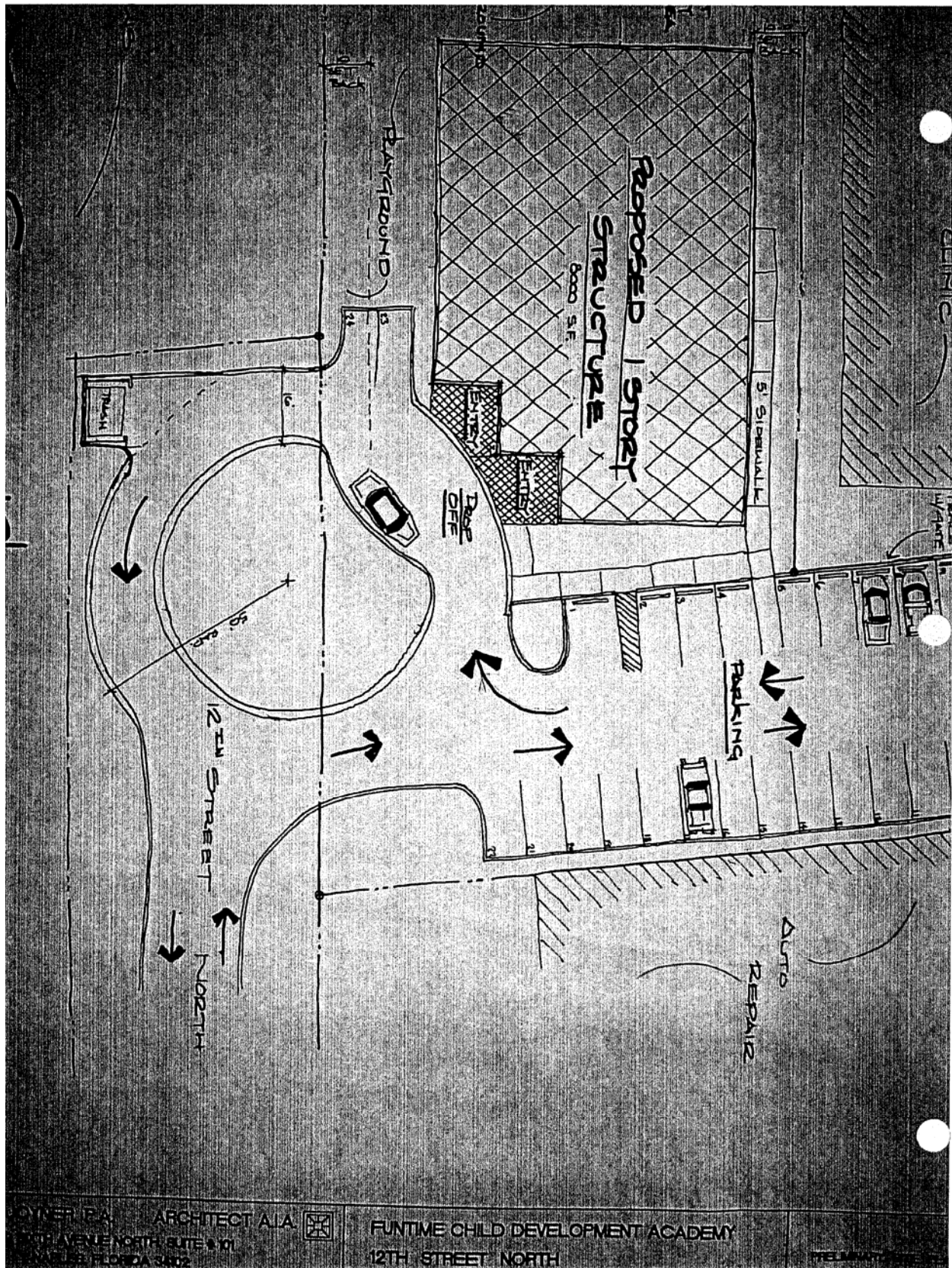
- Site Survey and Environmental Impact Study completed.
- Preliminary Architectural Site Plan developed.
- Preliminary Site Review held with Robin Singer.
- Preliminary Building Plans under development.

*Fun Time Early Childhood Academy*



**BUILDING EXPENSE:**

- Projected total construction cost - \$2.2 million.
- Funding Sources:
  - NCFF - \$1,422,000.00
  - FEMA - \$801,000.00
  - Collier County CDBG Block Grant - \$400,000.00



### Historic Preservation Impact in Florida

- ☐ State Wealth Contributes - **\$4.7 Billion**
- ☐ Historic Preservation Creates Jobs - **123,000**
- ☐ Historic Preservation Contributes to State and Local Taxes - **\$657 Million**
- ☐ **Heritage Tourism** generates billions of dollars in local spending - **\$3.7 Billion**
- ☐ Historic Grants - Create local wealth & Jobs - **\$110 Million**
- ☐ Main Street - 69 FL Cities Revitalizes Communities generated **\$465 Million** investment in jobs
- ☐ Historic Preservation Maintains Property Values- Assessed values in 18 historic districts & 25 comparable areas showed no decline in property values in historic districts, many cases Historic property values increased in value faster than comparable neighborhoods.

February 19, 2007

Mayor William Barnett  
City Of Naples  
735 8th Street South  
Naples, FL 34102

Dear Mayor Barnett:

Old Naples is a special place because of a combination of things. Those things include the structures, the landscape and vegetation, the alleys, the scale, and the resulting feeling. Collectively, we need to make a conscious effort to avoid losing the very charm that attracted most of us to Naples in the first place.

By affording little in the way of guidance or even encouragement in saving our significant structures, the current codes and ordinances do not reflect the needs of our community. The Naples Historical Society would again like to urge Naples City Council to act while there is still time to make a difference.

What the city needs is a Historical Preservation Ordinance to create a framework for historical preservation and restoration. It should incorporate and build upon the guidelines and criteria for historical designation which are already spelled out considerably in the City of Naples Comprehensive Plan. It should also outline the process by which City government, in concert with the Naples Historical Society and others in the private sector, will encourage and facilitate preservation and restoration.

The ordinance can be voluntary on the part of individual property owners. It need not even give the appearance of restricting property owners' rights to the use, enjoyment and sale of their properties. But to be effective, the ordinance needs to include creative incentives to induce property owners to restore and preserve their historical structures. These can be in a variety of forms.

Coupled with the ordinance should be public education and awareness. Property owners need to have a clear understanding of the options, benefits, and help available to them if they seek to restore and preserve rather than tear down. The City can, in turn, enhance its image of offering value added services by helping owners understand and evaluate the options available to them.

Very truly yours,



Donald P. Wingard  
President, Naples Historical Society

cc: Dr. Robert Lee, City Manager; Members of City Council

#### **Purpose for new Flood Damage Prevention Ordinance...**

- The City of Naples deems it necessary to adopt the minimum federal regulations governing communities participating in the National Flood Insurance Program administered by the Federal Emergency Management Agency.
- In July 2002, FEMA conducted a Community Assistance Visit (CAV) for the City of Naples. On March 21, 2003 the City was notified of its findings and asked to respond by May 1, 2003 with an action plan. FEMA discovered (3) areas of non-compliance: 1) Floodplain Management Ordinance, 2) Elevation Certificates, and 3) Submit-For-Rate Structures

#### **Purpose for new Flood Damage Prevention Ordinance...**

- The current flood damage prevention ordinance does not meet the requirements established in Title 44 of the Code of Federal Regulations.
- Flood damage is reduced by nearly \$1 billion a year through communities implementing sound floodplain management requirements and property owners purchasing flood insurance. Additionally, buildings constructed in compliance with NFIP building standards suffer approximately 80 percent less damage annually than those not built in compliance. Every \$3 paid in flood insurance claims saves \$1 in disaster assistance payments.

#### **Purpose for new Flood Damage Prevention Ordinance...**

- All mortgage companies that are backed by the Federal Gov. require a flood insurance policy on properties in a flood zone.
- Due to the City of Naples' participation in the NFIP and its Class 6 rating under the Community Rating System (CRS), property owners receive a 20% discount on their flood insurance premium each year. This amounts to an average annual savings for an individual policy holder of \$132.

#### **Key Changes to the Proposed Flood Damage Prevention Ordinance...**

- The definition "Cost of construction" has been deleted. This definition included the "Double appraisal method" which was deemed non-compliant by FEMA.
- The definition "Market value" has been changed to define how market value is established either by an independent certified appraisal, Actual Cash Value or Collier County Property Appraiser's assessment plus 20%.

#### **Key Changes to the Proposed Flood Damage Prevention Ordinance...**

- The definition "Substantial improvement" previously was defined by structures located either east or west of the Coastal Building Zone Line. Structures located east of the CBZL could make improvements over a 12-month period while structures located west of the CBZL could only make improvements over a 5-year period.
- The definition "Substantial improvement" now defines work over a 12-month period for all structures.

#### **Key Changes to the Proposed Flood Damage Prevention Ordinance...**

- New Permit Procedures...
- A detailed cost estimate of the work being done to a non-conforming structure is required
- New General Construction Standards...
- Any repair, rehabilitation, or addition constituting substantial improvement to a designated historic structure may be exempt. The owner must first receive in writing approval from the state historic preservation officer or a certified local historic board that the structure will maintain its historical integrity.

### Key Changes to the Proposed Flood Damage Prevention Ordinance...

- Accessory structures may be exempt from the elevation requirements under a particular criteria
- In VE Zones, detached garages are prohibited.
- Standards for existing structures – The following statement was removed... "Structures and uses of structures which were lawfully permitted after July 16, 1980, and were constructed to meet all floodplain management standards in existence at time of construction shall be considered compliant for the life of the structure." FEMA has deemed this statement to be non-compliant.

### Key Changes to the Proposed Flood Damage Prevention Ordinance...

- Homes that are 50 years or older can be listed on the Florida inventory of historic places, or the Florida Master Site File, which may make a property exempt from certain Federal Emergency Management Act (FEMA) requirements.



### Failure to uphold and enforce the ordinance...

- Probation - Failure to pass the flood damage prevention ordinance could result in every resident with flood insurance being charged a \$50.00 penalty fee in addition to a substantial premium increase over the 20% discount they currently receive for our participation.
- Suspension – New flood insurance policies may not be written and existing policies may not be renewed in suspended communities.

### Consequences of Suspension from the NFIP...

- Naples would be subject to limitations on Federal financial assistance. Federal officers and agencies would deny any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, for acquisition or construction purposes within the Special Flood Hazard Area (SFHA). The SFHA encompasses 90% of the City of Naples.
- Mortgage loans guaranteed by the Department of Veterans Affairs, insured by the Federal Housing Administration, or secured by the Rural Economic and Community Development Services would be prohibited for homes located in VE and AE Flood Zones.

### Consequences of Suspension from the NFIP...

- Loss of flood insurance
- Loss of grant monies. Residents would no longer be eligible to apply for grant money available under the Hazard Mitigation Grant Program or the Flood Mitigation Assistance Program
- Loss of technical assistance from FEMA for those residents interested in retrofitting their homes to protect against future flood losses.