



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Joint Workshop with Planning Advisory Board March 19, 2007 – 5:00 p.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL (4:59 p.m.).....ITEM 1

Present:

City Council Members:

Bill Barnett, Mayor
Johnny Nocera, Vice Mayor
Gary Price, II
John Sorey, III
Penny Taylor
William Willkomm, III
William MacIlvaine

Also Present:

Robert Lee, City Manager
Chet Hunt, Assistant City Manager
Tara Norman, City Clerk
Robin Singer, Community Dev. Director
Adam Benigni, Planner
Tony McIlwain, Acting Planning Manager
Vicki Smith, Technical Writing Specialist

John Passidomo
Sue Smith
Alan Mengel
Gary Thomas
Elaine Reed
Steve Briggs

Planning Advisory Board:

Falconer Jones, Chairman (arrived 5:06 p.m.)
James Siedel, Vice Chairman
James Black
Ian Butler (absent/excused)
Richard Klaas (absent/excused)
Kathleen McFadden (alternate)

David Miller
Margaret Sulick
Amy Taylor, School Board Rep (non-voting)

Don Wingard
Linda P. Morris
Judith Chirgwin
Barry Johnson
Eileen Arsenault

Other interested citizens and visitors

CHANGES TO THE AGENDAITEM 2

MOTION by ***Nocera*** to ***SET THE AGENDA***; ***seconded by Taylor and unanimously carried (City Council: MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes; PAB: Jones-yes, Black-yes, Butler-absent, Klaas-absent, McFadden-yes, Miller-yes).***

Mayor Barnett stated that comments from City Council, Planning Advisory Board (PAB), and staff were being sought with regard to historic preservation. Additionally, Mayor Barnett expressed appreciation to PAB Members for their efforts and assistance in this regard and emphasized that there was however no entity that supported a mandatory participation by owners of historic properties.

Council Member Taylor pointed out that the draft historic preservation ordinance would serve to provide incentives and options, including under FEMA (Federal Emergency Management Agency) recently issued flood plan maps, noting that this regulation will affect the entire landscape of the City.

Member Siedel stated that the proposed ordinance had been drafted in an effort to provide an attractive and valuable product to the public. He proposed incorporating the business district on Third Street South and pointed out that with a recognizable City ordinance, funding could become available from various sources such as County, State and Federal governments. He further explained that this would allow for the creation of an Overlay District that incorporates Third Street South. He also predicted that as the new FEMA regulations begin to take effect, the public will be more willing to approach the City regarding participation in historic preservation.

Planner Adam Benigni noted background materials provided in the meeting packet which included excerpts from meetings over the course of some 20 years where discussions of a historic preservation ordinance had occurred. (It is noted for the record that a printed copy of Mr. Benigni’s electronic presentation is contained in the file for this meeting in the City Clerk’s Office.) He referenced the current draft ordinance (Attachment #1) which he said had been compiled in 2004 and where sections had been updated to reflect the most recent Land Development Code section references. He also emphasized that the proposed ordinance is voluntary and property owners must consent to both the nomination and registration of a property as historic, characterizing it as an opt-in rather than an opt-out program. He further stated that owners may take part in detailed exemptions such as:

- Ad valorem tax credits/exemptions;
- FEMA exemptions;
- Financial assistance;
- Building and zoning code exemptions in the form of relaxation of setbacks;
- Transfer of development rights; and
- Recognition in the form of a plaque signifying that the property is a historic structure.

Mr. Benigni also indicated that staff suggested that the request for proposals (RFP) process be incorporated so as to hire a consultant to assist with updating Historic District maps. However, unless it was compulsory for obtaining State financial assistance, he recommended against either creation of a historic preservation board or establishing the City of Naples as a Certified Local Government. Community Development Director Robin Singer pointed out that under FEMA

regulations, owners can currently obtain a State historic structure certification that would qualify their properties for many FEMA allowances or exemptions from the Code of Ordinances.

PUBLIC COMMENT.....ITEM 3

John Passidomo, (5:12 p.m.) **821 Fifth Avenue South**, stated that his firm represented Naples residents Pamela and Gordon Watson, owners of what he characterized as significant historic structures within the currently designated Historic District. He displayed a map on which he pointed out five structures of an historic nature owned by the Watson and Arsenault family located at the corner of Gordon Drive and Broad Avenue South. (It is noted for the record that a photograph of the aforementioned map is contained in the file for this meeting in the City Clerk’s Office.) He proposed that these properties serve as models for what he described as meaningful historic development and urged better definition of district boundaries and obtaining an inventory to determine past and present uses of the various properties involved. The properties in question, Mr. Passidomo said, had once been used as overflow for the Old Naples Hotel. He also pointed out the impacts of both the Naples Pier and Broad Avenue South to the historic significance of the area.

Attorney Passidomo suggested that his clients’ property be used as a test case to encourage a program of preservation and historic restoration that suits the overall residential character and immediate area and also thereby benefit other areas of the City through meaningful exercises in historic development. He stated that although in 1988 there had been similar concerns, an effective initiative had not been initiated. He further urged Council to proceed in a cooperative venture with the private sector.

In response to Council Member Willkomm, Attorney Passidomo clarified that he was proposing the City examine and define the historic district in an effort to establish a test case with the intention of preserving the City’s historic resources which he asserted were under significant pressure to find ways of ensuring their preservation. Council Member Willkomm confirmed that Attorney Passidomo was urging a beneficial ordinance that includes provisions that serve both his clients, other homeowners, and that also will benefit the City. In response to Council Member MacIlvaine, Attorney Passidomo further stated that studying and using his clients’ and surrounding properties as a test case could derive significant data that may not be possible across the entire historic district. He stressed that understanding the nature and extent of those historic resources, and how they relate to the history of surrounding properties would be informative in underscoring their uniqueness.

Community Development Director Robin Singer stated that the City may still provide all of the incentives proposed under the voluntary ordinance district-wide, yet in this particular area there may be opportunities for additional incentives, such as adaptive reuse, i.e., a realty office or artist studio located in the historic home. She noted the importance of examining this possibility but advised that until the City had had an opportunity to communicate with all the property owners in the area, staff was not prepared to comment on the merits of additional incentives in a particular subsection of the district. City Manager Robert Lee maintained that while the basic ordinance must be a priority, additional consideration would be needed to determine whether the community should go beyond what is addressed by that ordinance.

In further discussion it was noted that the Haldeman House had become cost-prohibitive for the family to maintain. Council Member Taylor pointed out that small businesses within historic homes would present an economically feasible approach to ownership of a property with high taxes rather than utilizing it merely as a single-family residence. However, PAB Member Sulick emphasized that changing zoning to allow for commercial entities within a residential area does not in her view correspond with preservation of historic districts. She explained that she understood that if there is a historic designation by the Federal government, participation must be mandated as opposed to voluntary.

City Manager Lee clarified that certain incentives would require national designation as a historic structure, and even a local designation would likely require certain requirements state-wide. Therefore, application for such a designation would require another governmental agency to approve and confirm that the property meets the required criteria. PAB Member Sulick however cautioned that tax incentives could be uncertain and problematic, pointing out that less than 10% of taxes paid by properties in the City limits go to City government so that any appreciable change in taxes for historic structures must be generated within other taxing entities such as Collier County and the School District.

PAB Member Miller advised that the State had informed him that in order to establish the area as a National Historic Site, there would be the requirement of a Certified Local Government. Some advantages are the availability of certain matching grants and funding to assist in preservation programs, such as surveys, to evaluate significant historical properties, he said.

Planner Adam Benigni however advised that requirements for application to the National Historical Preservation program include:

- An approved Ordinance;
- Establishing an Historical Preservation Board; and
- A staff Historical Preservation officer.

Council Member Sorey stated that the Council had been recently advised that such a program required not only mandatory participation, but that the budget to be allocated throughout the entire State of Florida was merely \$350,000. PAB Member Miller however maintained that his research had indicated that the program was not necessarily mandatory. Council Member MacIlvaine also differed on this point, noting that following presentations from State historic preservation representatives, there was consensus that the requirement was not voluntary but mandatory; he emphasized that he did not support a mandatory program. In addition, the grant incentives appeared to be negligible, he added.

PAB Chairman Jones cautioned against passage of a complex ordinance; he recommended a small group formed from Council, PAB, property owners, and planning staff be assembled to ensure that all interests are represented. He expressed concerns that if Federal grants are utilized in the Historic District, the City may lose some administrative control. He stated that any ordinance should however ensure that it is more advantageous to rebuild a home than to demolish it. PAB Member Sulick said that she strongly supported this position, adding that what is needed are exceptional alternatives to demolition as area tourism is heavily dependent on Old Naples.

Sue Smith, City of Naples, stated that she owns a property within the area in question and that in her 14 years of research on the matter of historic districts, she had found that the concept was initially not presented appropriately and that property owners had not been included in the process. She maintained that the Historic District would in fact not be voluntarily and would most likely include properties outside of the current Historic District map. While a local historic district designation runs with the property, it reduces the power of the property owner when it is administered by the City. She said she also opposed the creation of another tourist magnet in the area which she predicted would result from Attorney Passidomo's proposal for commercial uses being considered, pointing out that non-historic district property may then claim that a detriment had occurred and insist on also having the ability to institute a commercial use. She equated the posting of the current Historic District signs as an interference into private residential neighborhoods and that while the City is advertising this, the signs had been initiated without the consent of the residents affected. Mrs. Smith also stated that taxes and costs to maintain older homes in the area have sharply increased and that owners are struggling to maintain their homes in their present condition. Even though parking meters have been installed along their rights-of-way, the communities of Park Shore, Port Royal, and Coquina Sands were not subjected to similar treatment. She disagreed that the proposed draft ordinance would in fact have the effect of being mandatory due to the involvement of governmental entities. Collier County, she said, does not have the funds to assist in preservation, therefore, the Historic District will be required to generate funds via commercialization and adding wider sidewalks and streets. She stated that if tax credits are provided, the entities that grant the tax credit will therefore have an interest in the property. **Allen Mengel, 50 Broad Avenue South**, pointed out that the Council and PAB are in the unique circumstance of being asked to regulate something that is definable in terms of the number of people impacted. Approximately 30 homes are involved in this proposal, he said, and suggested polling the owners and discussing specific incentives informally with them. **Gary Thomas, 344 11th Avenue South**, stated that he was uncertain about the definition of Historic District and the mapping thereof. He noted however that his property had belonged to the owner of the first commercial tomato farm in the area and had been moved from Ochopee to its current location during World War II along with the cottages belonging to the Pulling family. **Elaine Reed, Executive Director for Naples Historical Society** stated that the mission of the organization was to encourage interest in and appreciation for history and heritage of the Naples area. She stated that the organization sought to do this via preservation of historical assets and supported Attorney Passidomo's proposal. She expressed an interest in the Naples Historical Society being a participant in the planning of the district. **Steve Briggs, 107 Broad Ave South**, stated that he was a long-time City resident and resided in the home formerly owned by Dr. Earl Baum. He stated that there had been many changes in the area and expressed support for saving the older homes. The district however being a busy area, between five and ten people per day express an interest in photographing his home. Because 15 feet of his 100 by 150 foot lot had been sold to the neighbor, the parcel, if it were ever sold and redeveloped, would not be optimal for an attractive newer home. He requested that the City seek more public involvement in the process. **Don Wingard, 130 11th Avenue South, President of the Naples Historical Society**, expressed support for the draft ordinance with the inclusion of more specifics regarding owner incentives. He stated that owners will support the options if they understand more completely how they relate to a specific property. **Linda Morris, 157 11th Avenue South**, stated that she supported Steve Briggs' comments and ultimately favored historic preservation. **Judith Chirgwin, 112 Tenth Avenue South**, stated that while she strongly supported historic

preservation, residents had not been involved in the process. She therefore urged more owner participation. **Barry Johnson, 207 Broad Avenue South**, expressed confusion regarding whether the draft ordinance was mandatory or voluntary. He said he strongly recommended that those owners interested in participating in the program research the process for historic designation certification, noting the cumbersome nature of that endeavor. He concurred with Sue Smith that increased historic designations would attract more tourist activity making navigation more difficult. He also expressed concern with promoting residential preservation via commercial activity, noting that the nominal grant monies available would not provide meaningful incentives to homeowners. He recommended instead using zoning as the primary vehicle for preserving residential and historical authenticity. **Eileen Arsenault, 1188 Gordon Drive**, stated that the Historic District was unique and challenged staff to find innovative ways to incorporate property owners in the creation of an effective and easily used historic preservation ordinance and a program that is effective.

.....**ITEM 4**
JOINT WORKSHOP WITH THE PLANNING ADVISORY BOARD REGARDING HISTORIC PRESERVATION

Mayor Barnett stressed that the proposed ordinance was most absolutely voluntary and also stated that owner involvement was imperative. Council Member Taylor stated that what is required is a better definition of homeowner benefits. She urged specificity in the proposed ordinance and recommended that staff work with individual property owners to determine incentives that apply to property owners should they choose to take part. She acknowledged that the incentives had not yet been clarified but cautioned that they would need to be house-specific and supported additional provisions to address this. Nonetheless, Miss Taylor said that she favored the current draft ordinance. Council Member Price however pointed out that the ordinance maintains that participation is voluntary, yet the drafting of the Historic District map in effect had not involved homeowners in the district. He expressed empathy with the public's apprehension regarding the concept that Council was passing another ordinance described as voluntary and emphasized the need to invite affected homeowners to individually discuss and clearly define benefits.

PAB Chairman Jones concurred with Council Member Price, cautioning against an ordinance that may be more complex but that may not provide increased benefits to property owners. He explained that the map for the Historic District was drawn based on the percentage of homes required in order to become a defined district. He recommended the following:

- Performing another map survey to determine the number of affected properties;
- Involve affected homes in a program to offer exemptions; and
- The formation of a committee of interested parties to provide appropriate representation.

Mr. Jones further emphasized that the system can become challenging when applying all of the various Codes and therefore supported an initiative on the part of staff to provide homeowners with detailed benefits they may choose to pursue.

PAB Member Sulick recommended also identifying impacts on the larger areas surrounding that which would be designated historical, emphasizing the impact redevelopment has had on southwest Florida homes and residents. She further advised that the City consider establishing its own historical registration program in terms of visioning and streamlining the process. She

pointed out that the homeowners are those that have borne the brunt of what she described as Naples' gentrification and tourism and said that residents have experienced significant changes in quality of life and property values.

Council Member Sorey stated that staff had recommended a consultant be retained and to interview all owners and maintain a proactive stance. Council Member Nocera cited the 41/10 (Heart of Naples) Committee as a model for citizen involvement, and Council Member MacIlvaine stated that he concurred with PAB Chairman Jones, Council Member Sorey, and Vice Mayor Nocera, reiterating that the 41/10 Committee should be used as a model. Council Member MacIlvaine also suggested that staff approach homeowners and provide a three-month period to revisit the owners to assess their continued interest in participating.

PAB Member Siedel stated that the late Sam Noe had been a PAB member and a national authority on historic districts and that Mr. Noe had tirelessly pursued the progress which had been achieved to date. He requested that PAB and Council reference Mr. Noe's comments in this regard. He stated that if homeowners are anxious, the City has failed to explain the ordinance. Mr. Siedel also suggested the effort proceed as part of a master plan and that the City hire a consultant who can provide a package for all interests. He also suggested a Blue Ribbon Committee be formed with a date certain to recommend how a historic designation plan could expand to Third Street South.

Council Member Willkomm stated that he wished to ensure Council conveys to Attorney Passidomo that Council is interested in entertaining concepts from willing homeowners, irrespective of the proposed ordinance. Council Member Price, however, recommended refining the current proposal in conjunction with input from the homeowners within the district prior to considering expansion of the district. PAB Member Miller also endorsed the concept of full involvement from residents of the district, but indicated the preference for a complete redrafting of the ordinance, if necessary.

Mayor Barnett then summarized the issues to be addressed: 1) Council's preferences with reference to passage of the ordinance as proposed; 2) the proposal by the clients of Attorney Passidomo noted above involving introducing certain commercial uses; and 3) whether usage of a consultant is advisable with establishment of a timeline. City Manager Lee suggested that the staff present to City Council a revised draft ordinance enumerating the various exemptions (FEMA, etc.) which are available to historic properties along with the processes involved to obtain these exemptions. The Council could then determine a further course of action, such as establishing a committee, although he said he did not recommend the hiring of a consultant at that juncture. PAB Chairman Jones emphasized the need for a concise, easily understood summary of the changes that would be embodied in the proposed ordinance. Council Member Taylor also asked that examples be developed regarding certain specific historic homes showing the application of the proposed ordinance. PAB Member Miller stressed the need for a redrafting of the section dealing with the effects of historic designation so as to include greater specificity; he also urged that the issues of nonconformity be explored so that older properties may be more readily improved.

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Council Member Sorey urged that staff simultaneously hold meetings with homeowners and also converse with Attorney Passidomo and his clients with regard to suggestions from the perspective of the private sector. PAB Member Sulick recommended that a committee be established to undertake a visioning process within the Historic District and report back to City Council by mid-October. Mayor Barnett, however, expressed the view that additional specifics should be delineated by staff, the Council and PAB in order to provide any future committee with direction. Council Member MacIlvaine stressed the importance of receiving input from individual property owners in the Historic District, either through interviews by staff or in a committee setting. City Manager Lee, however, recommended that certain preliminary drafting work be accomplished so that proposed regulations could be communicated to property owners. He also mentioned State and Federal constraints under which the City must operate in this regard.

PAB Chairman Jones assured the group that he had found the owners of historic homes to be dedicated to preservation and to living in Old Naples. He said he believed that the City would receive extensive input from these citizens. In further discussion of time frames, City Manager Lee indicated that he would, after conferring with staff, provide Council with information on when certain objectives in the process could be accomplished. It was determined that a timeline would be provided to the City Council by April 4.

CORRESPONDENCE / COMMUNICATIONS

None.

ADJOURN

6:52 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Susan Cairns, Technical Writing Specialist

Minutes approved: April 20, 2007