

The information attached hereto is used only as a working paper preliminary to preparation of meeting minutes and should not be relied upon as the official record of this meeting.

Annotated

Notice of Meeting and Agenda

Naples City Council

City Council Chamber, 735 Eighth Street South, Naples, Florida

Mayor: Bill Barnett

Vice Mayor: John F. Sorey, III

City Council Members:

Doug Finlay, Teresa Lee Heitmann, Gary B. Price II, Sam J. Saad III, Margaret Sulick

City Attorney: Robert D. Pritt · City Clerk: Tara A. Norman · City Manager: A. William Moss

Welcome to today's City Council meeting. If you wish to address the Council regarding an item listed on this agenda, please complete a registration form at the rear of the room and place it in the Speaker Request Box located on the Council dais prior to consideration of that item. We ask that speakers limit their comments to 3 minutes and that large groups name a spokesperson whenever possible. Thank you for your interest and participation in City government.

Regular Meeting

Wednesday, November 17, 2010

Convened 8:28 a.m. / Adjourned 11:31 a.m.

All proposed ordinances and information on other items listed below, which have been provided in advance of this meeting, may be inspected in the office of the City Clerk, City Hall, or on the City of Naples website www.naplesgov.com or call the City Clerk's Office, 213-1015. All written, audio-visual and other materials presented to the City Council in conjunction with deliberations during this meeting will become the property of the City of Naples and will be retained by the City Clerk.

1. Roll call – ***All present.***
2. Invocation and Pledge of Allegiance – ***Reverend Michael Harper, Naples Community Hospital.***
3. Announcements

Crayton Cove 60th Anniversary Proclamation – ***Mayor Barnett.***
Baby Basics of Collier County Proclamation – ***Mayor Barnett.***
4. Set agenda (*add or remove items*) – ***As submitted / Price / Saad / 7-0.***
5. Public Comment - ***W. Jones, concerns with disbanding of NAA (Naples Airport Authority) Technical Advisory Committee (TAC) and possible extension of runway 5/23; update by TECO/Peoples Gas representatives regarding recent natural gas line rupture.***

City Council will not recess for lunch

NOTICE

Formal action may be taken on any item discussed or added to this agenda. Any person who decides to appeal any decision made by the City Council with respect to any matter considered at this meeting (or hearing) will need a record of the proceedings and may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be heard. Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's Office at 213-1015 with requests at least two business days before the meeting date.

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CONSENT AGENDA

All matters taken under this section are considered routine, and action will be taken by one motion. There will be no separate discussion of these items. If discussion is desired, that item(s) will be removed from the Consent Agenda and considered separately.

Approve Consent Agenda

Sorey / Finlay / 7-0

City Clerk

Approval of Minutes

Approved with Consent Agenda; as submitted

Community Services

Approval of Special Events

Approved with Consent Agenda

Planning

2011 Comprehensive Plan Amendment

Schedule

Approved with Consent Agenda

6-a. Approval of Minutes –October 18, 2010 Workshop and October 20, 2010 Regular Meeting.

6-b. Approve the following special events:
(1) Annual Ferrari Auto Show – Ferrari Club of Naples – Fifth Avenue South from Third Street South to Ninth Street South (US 41) – 02/12/11
(2) St. Patrick's Day Parade – Naples St. Patrick Foundation, Inc. – Tenth Avenue South to Broad Avenue South to Third Street South to Fifth Avenue South, to Eighth Street South, and to Crayton Cove – 03/12/11

6-c. Approve the 2011 Comprehensive Plan Amendment Schedule

END OF CONSENT AGENDA

Resolution – Quasi-Judicial

Planning

Conditional Use Petition 10-CU9

Petitioners: Irl F. Engelhardt and Suzanne C.

Engelhardt

Agent: John M. Passidomo, Esquire

Planning Advisory Board Recommendation for

Approval

10-12808 amending as follows: Section 3 2: "A deed restriction...requiring that the The use of property shall be for single family residence only and ~~that~~ the units are not to be rented on short or long term basis."

Sorey / Saad / 6-1 (Price dissenting)

7. **Public Hearing** to consider a resolution determining Conditional Use Petition 10-CU9, pursuant to Section 56-91 of the Code of Ordinances, to allow for three detached guest units, in addition to one permitted detached guest unit, accessory to a single family residence located at 4355 Gordon Drive, owned by Irl F. Engelhardt and Suzanne C. Engelhardt

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**2 Resolutions – Quasi-Judicial
Planning**

Variance Petition 10-V11

**Residential Impact Statement Petition 10-
RIS15**

Outdoor Dining Petition 10-ODPB4

Petitioner: Rossopomodoro Naples

Agent: Clifford Olson and Arthur J. Neumann

**Planning Advisory Board Recommendation
for Approval of the Variance Petition and the
Residential Impact Statement Petition**

a) 10-12809 amending as follows: Section 3: delete #3 and renumber subsequent conditions; (~~#4~~) #3: “The tables and chairs...the sidewalk except the tables at each end not parallel to the sidewalk.”; and adding new #6: “The construction plan and schedule are subject to City Manager approval and shall not interfere with traffic flow on street.”; and #7: “The City reserves the right to revoke permit or reconfigure outdoor dining for safety and/or aesthetics purposes.”

Sorey / Saad / FAILED 3-4 (Price, Finlay, Heitmann and Sulick dissenting)

**b) 10-12810 TO DENY due to denial of 8-a
Sorey / Price / 7-0**

**Resolution – Quasi-Judicial
Outdoor Live Entertainment
Petition 10-LE8**

**Residential Impact Statement Petition 10-
RIS17**

Petitioner: Bice Restaurant

Agent: Luca DiFalco

10-12811 Price / Saad / 5-2

(Finlay and Sulick dissenting)

**First Reading of an Ordinance
Planning**

Text Amendment Petition 10-T12

Petitioner: City of Naples

**Planning Advisory Board Recommendation
for Approval**

Approved Saad / Price / 7-0

8. Consider the following as they relate to Rossopomodoro Naples located at 800 Fifth Avenue South:
- (a) **Public Hearing** to determine Variance Petition 10-V11 from Sections 58-1134 (c)(4) and 56-127(d)(2) of the Code of Ordinances in order to allow a restaurant to have tables and chairs separated from the storefront and be located on public property and determine Residential Impact Statement Petition 10-RIS15 pursuant to Sections 56-151(7) and 56-155 of the Code of Ordinances to allow the expansion of a commercial use with an extended hours waiver within 300 feet of residential units; and
- (b) **Public Hearing** to consider determining Outdoor Dining Petition 10-ODPB4 pursuant to Section 56-127 (c)(1)a. of the Code of Ordinances in order to allow 462 square feet of outdoor dining area

9. **Public Hearing** to consider determining Outdoor Live Entertainment Petition 10-LE8 and Residential Impact Statement Petition 10-RIS17 for Bice Restaurant located at 300 Fifth Avenue South

10. Consider an ordinance relating to Conditional Uses, adding Subsection (d)(10) to Section 46-34, Standards for Approval of Conditional Uses; adding Subsection (c)(6) to Section 46-35, Site Plan; Standards for Approval for the expansion of a Non-Conformity; and adding Subsection (c)(2)a.9. to Section 46-37, Variance Criteria for the purpose of adding standards and criteria related to the preservation of resources and separation of uses

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**Second Reading of an Ordinance
City Manager
Dividing the Police and Fire Department into
two separate departments
Approved at First Reading 11/3/10**

10-12812 Barnett / Sorey / 7-0

**City Manager
Award of Contract for Actuary Services**

**Clerk's Tracking #10-00038
Sorey / Finlay / 7-0**

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11. **Public Hearing** to consider an Ordinance relating to the reorganization of the Department of Police and Fire; amending Division 5, Department of Police and Fire, of Article IV, Departments, of Chapter 2, Administration; amending Sections 2-202 (b), Authority to Create, Change, and Assign Additional Duties; Graphic Table of Organization; adding a new Division 11, Department of Fire-Rescue, to Article IV, Departments, of Chapter 2, Administration; amending Sections 2-451, Police Review Board Created; Composition; 2-452, Jurisdiction, Powers and Duties; 2-633, Fee for Noncriminal Fingerprints; 20-31, Definitions; 20-32, Consent Required Prior to Installation; 20-33, List of Persons Authorized to Deactivate System; 20-34, Fees for False Alarms; Subsection (a) of Section 24-51, Established, Supervision; 24-53, Reports; 24-54, Inspectors; 24-82, Modifications of Fire Prevention Code; 24-83, Appeals; 24-86, Fire Watch for Special Events; 24-254, Definitions; Subsections (b) and (c) of Section 24-256, Collection and Disbursement of Funds; 29-191, Definitions; 28-271, Definition; 3-65, Enforcement; Section 36-1, Parades and Processions; Section 36-66, Impoundment; Subsection (b) of Section 36-101, Parking on Certain Streets and Places Between 11:00 p.m. and 5:00 a.m.; Subsection (b) of Section 36-102, Certain Parts of Gulf Shore Boulevard; and 56-159, Enforcement of the Code of Ordinances
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12. Consider award of Contract for actuarial services to evaluate the City's pensions: \ Vendor: Gabriel, Roeder, Smith & Company, Ft. Lauderdale, FL: \ Cost: Not to Exceed \$77,500 \ Funding: Non-Departmental – Professional Services
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Public Comment – None.

Correspondence and Communications – Thanks to staff for providing City of Coral Gables BID/Business Improvement District information, recommendation to consider removal of coconut palms along Fifth Avenue South, request for future workshop discussion of outdoor dining (to include: whether five foot clear pedestrian access is adequate and adding a renewal provision; restaurant and retail business owners to attend) (consensus of support for workshop), and Thanksgiving wishes to all (Sorey); holiday blessings to City (Heitmann); agreement with Fifth Avenue workshop and Thanksgiving wishes (Sulick); thanks to staff and others for October Fest success and Thanksgiving wishes (Price); 2011 Doctors Pass jetty repair project update (Finlay, and Sorey), request for workshop discussion regarding possible inequity of stormwater fees between multi-family (condominiums and cooperatives) and commercial properties (consensus followed to proceed) (Finlay); Thanksgiving wishes (Saad); and letter read into record thanking staff for assistance in resolving wastewater discharge issue (Barnett).

Adjourn – 11:31 a.m.

Order of Consideration: 1, 2, 3, 5, 4, 6, 7, 8-a, 8-b, 9, 10, 11, 12, Public Comment, Correspondence and Communications.