



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – February 14, 2011 – 8:30 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL..... ITEM 1

Present:

Bill Barnett, Mayor
John Sorey, III, Vice Mayor

Council Members:

Douglas Finlay
Teresa Heitmann
Gary Price, II
Samuel Saad, III
Margaret Sulick

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Tara Norman, City Clerk
Vicki Smith, Technical Writing Specialist
Roger Reinke, Assistant City Manager
Jessica Rosenberg, Deputy City Clerk
Ann Marie Ricardi, Finance Director
Michael Bauer, Natural Resources Manager
Roger Jacobsen, Code & Harbor Manager
David Lykins, Community Services Director
Ron Wallace, Streets & Stormwater Director
Robin Singer, Planning Director
Gregg Strakaluse, Engineering Manager
Erica Goodwin, Planner
Robin Wheeler
Randy Johns
Fred Garner

Lois Bolin
Matt Kragh
Marvin Easton
Winona Stone
Charles Thomas
Sue Smith
Michelle Avola
John Norman
Sharon Kenny
Donna Krall
Michelle Martin
Chuck McMahon
Jason Camp
Huguette Nelson

Media:

Jenna Buzzacco-Foerster, Naples Daily News
Other interested citizens and visitors.

SET AGENDA ITEM 2

MOTION by Price to SET THE AGENDA as submitted; seconded by Sulick and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

PUBLIC COMMENT ITEM 3

(8:31 a.m.) **Matt Kragh, 975 Sixth Avenue South, Suite 200**, need to consider grandfathering transient lodging units in the "D" Downtown zoning district since many are now non-conforming uses which cannot proceed with either rebuilds or cosmetic improvements.

ITEM 4

Performance Measurement, Benchmarking and Process Improvement Presented by Winona Stone, Collier County Consultant. The subject is a continuation from a previous meeting regarding process improvement strategies. The discussion may also include the merits of establishing a productivity committee. Winona Stone of the Collier County Manager's Office, reviewed the functions recently described to the City Council on December 13, stating that process improvement would be the focus of that day's discussion. (It is noted for the record that a printed copy of Ms. Stone's electronic presentation is contained in the file for this meeting in the City Clerk's Office.) She explained that process improvement involves examination of means by which customer needs are met in a more rapid, and thus more cost-effective, manner. Some 30 processes had been investigated by the County to date through a team approach which encompasses representation from various parts of the agency. As an example, she indicated that the building review and permitting process had been improved by eliminating unnecessary steps and duplications for both customers and staff which resulted in capacity to intake an additional 425 plans annually and accommodate 285 additional plan reviews. This also resulted in a saving for customers of as much as \$350 per submission in paper copy and printing fees. However, Ms. Stone cautioned that to achieve success in process improvement, time must be invested and management support must be present. Also required are effective change management skills so as to engender a willingness among staff and management to accept revisions. Following a discussion of the differences in size and complexity between County and City governments, it was noted that an interlocal agreement might be considered as a means for the City to avail itself of the County's services in this regard. Council Members Price and Sulick cautioned that any City effort take into consideration realistic expectations of improvement as well as the economic conditions which have affected demand for governmental services.

Public Comment: (9:30 a.m.) **Lois Bolin, representing Naples Backyard History,** cited her involvement with the Economic Development Council (EDC) as well as related committees and stressed the importance of receiving adequate feedback from the individuals themselves involved in the functions being scrutinized. She noted various processes which she had observed in the City Clerk's Office and pointed out that the activities itself create structures which must be fully examined and understood before any improvement goal can be established.

In further discussion, Vice Mayor Sorey pointed out that the areas of parks and recreation as well as dialog with the Collier County Sheriff as having potential for a joint process review which might yield results commensurate with the necessary investment of time. Council Member Sulick also stressed the importance of viewing required levels of service, and Council further discussed possible overlapping services. Council Member Saad said that it would also be helpful to determine the costs to the City in undertaking such a process.

City Manager Moss recommended that Collier County be approached with regard to using the rapid process improvement method to undertake the joint investigation of park and recreation services already directed at the recent City/County workshop.

Consensus for process to be utilized during previously directed joint City/County personnel review of parks and recreation services (upon approval by Collier County Board of Commissioners); request for report from City staff on efficiencies implemented to date.

Recess: 9:43 a.m. to 9:54 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

REVIEW OF ALCOHOLIC BEVERAGES CODE ITEM 5

City Code allows the sale of alcoholic beverages in restaurants on Sundays between the hours of 7:00 a.m. and 12:00 midnight. City Council has been asked and will consider amending the Code to extend the time from midnight to 2:00 a.m. City Manager William Moss noted that on Sunday, alcoholic beverages may not be served in the City later than midnight, although 2:00 a.m. is the limit on the other six days. However, if the Council were to make the requested change, establishments may still be subject to individual live entertainment permit requirements.

Public Comment: (9:56 a.m.) **Sue Smith, 11th Avenue South,** read into the record a statement by her late father-in-law (Roy W. Smith) who had served as Mayor of Naples: “Naturally, most people want to know how Naples came to be such a beautiful city. It’s true, of course, the lovely beaches, beautiful tropical trees, plants and flowers, and an ideal climate give the area a combination of natural advantages that money cannot buy. It’s also true, however, that natural advantages can either be supplemented by careful planning or ruined by thoughtless exploitation which views quick profits for a few rather than future prosperity for all.” Mrs. Smith said that she believed the Council had lacked vision which resulted in protecting the interests of a few whose profit motives are contrary to the community as a whole. Despite financial challenges, she noted, Council had not been prudent in its judgment of areas which should not have been cut. Council Member Price received confirmation that Mrs. Smith opposed the extension of hours to serve alcoholic beverages on Sunday.

Council Member Finlay said that he had reversed his opposition to extending Sunday hours after learning that Sunday was the only day which alcoholic beverages could not be sold until 2:00 a.m. Council Member Sulick said she opposed any change in the interest of the residential areas which surround commercial districts, predicting that, despite current restrictions on live entertainment, there would be petitions to extend these hours as well. Council Member Price said that the character of the community is preserved through regulation demanded by residents and enforced by the City, and the community would make it plain to the City if increasing the Sunday hours had an effect. Nevertheless, Mrs. Sulick said that it is not appropriate to increase the burden on residents to report infractions, citing the complaints that are received in the Bayfront area. Vice Mayor Sorey, however, said the responsibility for compliance rests on the business owners, noting past success by Paddy Murphy’s in addressing complaints that had been lodged against that establishment. He said that the change should be made, but urged that the language of this section of the code in general be revised to be more current and understandable.

Council Member Heitmann indicated her opposition to changing the hours for Sunday service of alcoholic beverages, particularly in light of past expressions by the public who had indicated to Council that they were disturbed by late night hours and noise on Fifth Avenue South. Predicting that other changes in associated permitted uses would be received, she characterized the amendment as a significant change in the City’s quality of life. She requested information on DUI (driving under the influence) arrests that had been made in that area.

City Attorney Pritt concurred that the overall language of the section should be revised, but also cautioned that the conditional use requirement contained therein could result in undesirable inconsistencies among what is allowed at various establishments

Consensus to place the requested ordinance revision on a future meeting agenda.

KIOSKS - CONNECTIVITY ITEM 6
A concept to assist pedestrians by providing information and locations of commercial and entertainment activities has been proposed. The discussion will summarize options

for strategically placed information kiosks in several commercial areas. (Continued from 01/18/10). Assistant City Manager Roger Reinke utilized an electronic presentation to discuss this item, a printed copy of which is contained in the file for this meeting in the City Clerk's Office. He said that the area involved is made up of the following five distinct commercial sectors: Crayton Cove, Third Street South, Fifth Avenue South, Tenth Street and the Waterfront. Each is undertaking its own efforts to establish its identity, citing the impact of transportation factors involved including consideration of re-designating US 41 to Goodlette-Frank Road. He described the use of maps, signage, gateway features and landmarks to achieve connectivity and identify sections as well as various types of kiosks including the electronic/interactive variety. Council Member Price recommended that as a first step a color-coded signage be placed at the City's parking garages which direct the public to the various areas of the commercial district. Mr. Reinke suggested that the walking map be used for this purpose. Council Member Sulick expressed her gratitude for the guidance provided by Dr. Lois Bolin with regard to development of the map utilizing the individual identities of the various areas which, she said, should consider expanding the effort to individual maps of their own. Mrs. Sulick said she however opposed investing in electronic kiosks since cellular phone applications will fill this purpose in the near future. In addition, she recommended that, like Fifth Avenue and Third Street, the other areas adopt a distinctive lighting fixture which would connect to the lighting theme of an adjacent district.

Stating that she concurred with the comments of her colleagues, Council Member Heitmann nevertheless cautioned that any signage master plan be reviewed, both for effectiveness and for redundancy. Vice Mayor Sorey said that the aforementioned map postings should also be at the Fishing Pier and City Dock and that this effort should be undertaken immediately. He also stressed the importance of maintaining conversant with the latest technology possibly considering Wi-Fi service at the various locations to facilitate downloading of information. He said he also favored use of color-coding.

Council Member Price further commented about what he described as embarrassing sign pollution, particularly in traffic direction, necessitating a master plan for effective, limited signage. He however reiterated his point that directional signage be placed at the parking garages, City Dock and Fishing Pier immediately and, in addition to the aforementioned map, provide for posting of fliers for events occurring in the various districts. He provided a photograph depicting this type of unit which is utilized in Blowing Rock, North Carolina (contained in the file for this meeting in the City Clerk's Office).

Council Member Saad pointed out that the use by cities of cellular phone applications is already widespread, concurring with Mrs. Sulick in this regard, and agreeing that electronic kiosks are ineffective. He also agreed with the thematic advantage of distinctive lighting fixtures and implementation of Wi-Fi technology for this and other governmental applications such as meter reading. Mr. Saad also supported a master plan, but cautioned that private enterprise be a contributor to any improvements.

Public Comment: (10:54 a.m.) Michelle Avola, 300 Fifth Avenue South, representing Naples Pathways Coalition, was allowed to comment on this matter as well as the City Fest to be considered later in the meeting. She said she supported efforts described to increase connectivity and master planning, showcasing local amenities available to visitors. Ms. Avola further commented on the unpleasantness of unnecessary sign clutter and pointed out that providing information on the distance between points of interest is helpful to those unfamiliar with the area. With regard to the City Fest, she said that she supported any and all efforts to promote the community among visitors and residents alike. **Sue Smith, 11th Avenue South,**

supported efforts to make signage more effective, but took issue with Mr. Saad's suggestion that private enterprise help fund signage projects since the Council had already, without providing definitive information, enacted a special assessment on Fifth Avenue South businesses for promotional activities. Despite allowing the aforementioned process to go forward, the City is now contemplating undertaking separate promotional activities, she noted, enumerating the Chamber of Commerce as another entity active in promotion. In conclusion, she expressed concern that the Council's actions to re-designate the route of US 41 had not taken the interests of businesses on that street in account and pointed out that promoting further visitation into the historic area of the community would place further negative impact upon residents. Council Member Saad said that Mrs. Smith's comments had prompted him to recommend that the Fifth Avenue South Business Improvement District (FASBID) be widely involved in the aforementioned signage process. **Lois Bolin, Naples Backyard History**, commenting both on this item and City Fest, said that Fifth Avenue South might be the gateway to other areas but not however the central point of commercial activity. She also said that she sympathized with Mrs. Smith's concerns with regard to the interests of residents and said that the map which was being proposed for posting is one of the most effective means of directing the public to the business areas and away from residential neighborhoods. She requested that Tin City and Bayfront be included in the map postings and recommended that the City issue a press release to publicize the existence of the map and where it will be posted, as well as placing the map on the City's television station. She said that Paradise TV (in hotel rooms) had also agreed to use the map and suggested that the Naples Daily News include the map in its entertainment section. In conclusion she stressed the importance of continuing City Fest.

Council Member Sulick said that in composing the map all streets were shown so that users could compute distances and concurred with the above recommendations for its use. However, she pointed out that the City's map was not intended to promote various businesses and should be used to publicize the entire City.

City Manager William Moss advised the Council of the existence of a plan showing all signage in the City which he said would be shared with Council; however, he expressed reservations that the City would have authority with regard to signage on US 41. Nevertheless, he said that if the Council considers elevating the speed limit from 25 mph on certain streets to the state-wide limit of 30 mph, no posting of speed limits signs would be needed. Council Member Sulick asked whether some improvement could be made in the use of the brown historic district directional signs; however, Council Member Saad pointed out that the color brown is the universal indicator of historic districts.

Consensus to immediately implement display of current downtown map (both City-owned parking garages, Fishing Pier, City Dock, Tin City and Bayfront) and await further discussion by Council on other placemaking activities as well as discussion of a signage master plan.

CONTINUATION OF CITY FEST ITEM 7

Last year City Council initiated two City Fest events during the period known as the shoulder season. Festival events were held in May and October. The discussion will consider whether to conduct these events this year. Various Council Members provided positive comments with regard to the prior year's activities with Council Member Price recommending that the Crab Fest, which had been held at Tin City, be instead held on Fifth Avenue South. Council Member Finlay received clarification from Community Services Director David Lykins that the \$10,000 City budget covered both the spring and fall events, although the actual expenditure for the 2010 events had been \$8,800. Mr. Finlay however pointed out that the Swamp Buggy parade to be discussed later in the meeting entails an expenditure of \$9,000

alone; Mr. Lykins explained that the \$10,000 applied to new events and the Swamp Buggy Parade was a recurring annual traditional event sponsored by the City. Council Member Sulick said that the Council had received communications with regard to the prior fall's Oktoberfest and requested further explanation. Mr. Lykins said that this had not been the traditional Oktoberfest (Fifth Avenue South) event and therefore expectations for some had not been met. Council Member Price requested that the staff provide a description of events and their schedules. Council Member Heitmann received confirmation from Mr. Lykins that the goal for the coming year was to continue to operate within the \$10,000 in City financial support; sponsorships were privately arranged and entertainment privately funded, Mr. Lykins said.

Public Comment: (11:16 a.m.) **Jason Camp, Pinchers Crab Shack, Tin City**, said that there was a need for family-oriented events, citing a program being sponsored in Lee County called Sand Bash which is four days of live music, sand sculpture and art show on Fort Myers Beach. He said that his events firm had offered to replicate this during City Fest in the spring on an open weekend between Taste of Collier and the Great Dock Canoe Race. Mr. Lykins pointed out that while this would not take place on the beach, the site being considered was the former Grand Central Station/Renaissance Village site at Goodlette-Frank Road and US 41; however, he said that this would be completely funded by the private sector. Mr. Camp said that if there proved to be insufficient planning time for this spring event, his firm could consider staging concerts. **Huguette Nelson, Prudential Florida Realty, Fifth Avenue South**, expressed the hope that the City Fest continue to attract visitors, particularly in October.

Consensus to continue City Fest events.

COMMUNITY SERVICES PROGRAMS ITEM 8

Recognizing a likely decline in revenues for the upcoming fiscal year and the need to prioritize services and reduce expenditures, City Council will consider recommendations by City staff to eliminate certain park and recreation programs that compete with or are otherwise provided by other governmental agencies or private organizations. Such programs include: Summer Camp; the After School Program; staff directed special events; and funding support for the annual Swamp Buggy Parade. Community Services Director David Lykins made an electronic presentation regarding possible program elimination (a printed copy of which is contained in the file for this meeting in the City Clerk's Office). He said that an option would be to eliminate the City-sponsored summer camp program at Lake Park Elementary School since there was a redundant program in the immediate area. He said that after revenue is deducted, the program represents an annual cost to the City of \$110,000 which would be eliminated if the camp were discontinued. He said participation between City and County residents was 39% to 61% for 2009 and 43% to 57% for 2010.

Mr. Lykins said that another redundant program, offered at Fleischmann Park, would realize an annual savings of \$60,000 after all expenses and revenues are taken into account. City/County participation is 36% to 64% in 2009 and 46% to 54% in 2010. He said that he had learned from the operator of the private programs that additional students could be accommodated; prices are the same as the City's. Other programs examined for elimination were various City-run special programs at park facilities which are also provided by other groups such as Easter, Halloween and Christmas events; a budget savings were estimated at \$30,000.

Mr. Lykins said that the proposal about which the most feedback had been received is elimination of sponsorship of the Swamp Buggy Parade, one of seven events which the Council has deemed traditional; he noted that most of the traditional events are in fact parades. Estimated savings in police and fire personnel would be approximately \$9,000. However, Mr. Lykins stressed that the City was not attempting to eliminate the parade, but being on US 41, it entails closure of a large number of street accesses as well as directing traffic to alternate

routes; numbers of participants and spectators however are comparable to the City's Fourth of July parade. Elimination of the aforementioned programs, Mr. Lykins said, would accrue to an annual savings of \$209,000.

Public Comment: (11:31 a.m.) **Sue Smith, 11th Avenue South**, said that rather than addressing prior concerns that there were insufficient activities for youth in the City, recreational opportunities had actually declined. She said that the Norris Community Center had been intended for young people, although the City had closed the game room in the evenings even though other activities are staged for older people at that location. Rather than placing emphasis on attracting tourism, the City should focus on providing programs needed by residents, she said, such as after school programs which are relied upon by working mothers as safe and educational for their children. **Michelle Martin, 15178 Cortona Way**, a Swamp Buggy Parade volunteer, noted that there had been over 100 entrants in the past October's parade and took issue with a recently reported statement that the parade did not generate revenue within the City. She said that Coastland Mall and other businesses along US 41 benefit from parade spectators. Despite the need to reduce local spending, Ms. Martin said that the Swamp Buggy activities draw people from afar, including a bus from Canada which arrived for the last race event. She also cited national media interest and a documentary to be produced by CMT (Country Music TV) and urged that those involved reach an accommodation. Vice Mayor Sorey said the City should not fund the entire \$9,000 when there are a significant number of County residents participating, expressing the hope that some other funding sources could be identified. Ms. Martin further clarified for Council Member Saad that Swamp Buggy Days has no employees, only volunteers. **Chuck McMahon, Vice President of Events for Swamp Buggy, Inc.**, said that the event had been in the community for 60 years, referring to the organization's mission statement (a copy of which is contained in the file for this meeting in the City Clerk's Office) dealing with preservation of the tradition, provision of fund raising for charities, and the offering of affordable entertainment. He stressed that the Swamp Buggy parade is a community event and assured Council of the organization's ongoing efforts to acquire outside sponsorship for activities whenever possible. Without the City's support in the form of co-sponsorship, he said, the organization would however not be able to stage its parade. He also asked the Council to remain mindful that Swamp Buggy is promoted as a Naples event and draws visitors internationally. Vice Mayor Sorey said that Naples had unfortunately been co-opted as the entire county and consideration must be given to all users paying their fair share. Council Member Finlay asked whether Mr. McMahon would object if the Collier County Sheriff took over the duties of the Naples Police Department in the Swamp Buggy Parade; Mr. McMahon said that he would not object to anything that allows the organization to continue the event. However, he said that if the City declined to provide the \$9,000 in support, the organization would be faced with a decision as to whether it would be removed from the City of Naples entirely. Mayor Barnett stressed that it was not the City's intent to cancel the parade, merely to investigate means of underwriting the cost; he suggested that the Swamp Buggy organization hold a fund raising event to underwrite the aforementioned \$9,000. In response to Council Member Finlay, Mr. McMahon explained that all political candidates, whether or not they are incumbents, are charged an entry fee for the Swamp Buggy Parade. Council Member Saad asked for the amount of profit Swamp Buggy Days derives from the parade and the races; Mr. McMahon said that the organization, however, normally experiences a loss on the parade and that other proceeds largely go to charities. **John Norman, 3520 19th Avenue SW, a Director of Swamp Buggy Days**, said that he finds it necessary to annually make a plea for City funding for the Swamp Buggy Parade, saying that he would demur from suggesting several other ways the City might save amounts greater than the \$9,000 in question. He said that he had been in the first Swamp Buggy Parade in 1949 and that Naples and Collier County are known for a variety of things, among them the beautiful beaches and Swamp Buggy. At the last race, proceeds

approximating \$7,000 were donated to construction of the Veteran's (Freedom) Memorial Park. In addition, each year the organization funds scholarships for young women who participate in the Swamp Buggy Queen contest. Mr. Norman said that the thousands of people who come into downtown Naples for the Swamp Buggy Parade patronize local businesses. He said that he had already spoken with Sheriff Kevin Rambosk who had indicated that, if necessary, he would assist in providing the necessary law enforcement personnel; however, Mr. Norman also disputed as unnecessary the number of police officers which the City assigns. **Randy Johns, 4260 15th Avenue SW, representing the Swamp Buggy organization,** said that he is a life-long resident with many childhood memories of the Swamp Buggy Parade. He suggested re-routing the parade down Fifth Avenue South to help the businesses there and that the Council consider funding police assistance at a rate commensurate with the amount the Council feels is derived from commercial activity generated.

Council Member Finlay cited the approximate \$32-million in funding that City of Naples residents provide to the Collier County Sheriff's Department compared to the \$11-million in funding to its own Police Department. Therefore, the City should make the formal approach to the Sheriff for law enforcement support for the Swamp Buggy Parade, particularly since the City funds five other parades on Fifth Avenue. Mayor Barnett said he would be more in favor of asking the Sheriff to share in the staffing. Council Members Heitmann and Sulick each said she also favored approaching the Sheriff for assistance.

Council Member Price said that he had calculated the cost of Council meetings at approximately \$5,400 per hour which equates to a larger amount for that day's discussions than the proposed savings projected on the parade. He said that not only should the Sheriff be approached, but he had received communications from volunteers who said they would monitor intersections while the parade is in progress. Council Member Heitmann ascertained from Community Services Director Lykins that the majority of the participants in the Fourth of July and Christmas Parades are not from within the City of Naples; Mrs. Heitmann compared the \$10,000 that the City was anticipating spending to stage City Fest with the goal of bringing people to the downtown area, but is questioning whether the Swamp Buggy Parade has the same effect. City Manager Moss said that staff had merely cited events wherein there may be alternatives to city governmental participation; the Fourth of July and Christmas parades, he noted, are City events while Swamp Buggy Days is a different organization that is staging an event on a complicated route which requires more support than the others.

Council Member Saad received clarification from Mr. Lykins that the St. Patrick's Day Parade is not a City event and that the City's costs are fully reimbursed; however, previous Councils had determined that because of its 60-year tradition, that the Swamp Buggy Parade would be a fully sponsored event. Council Member Sulick further clarified that at Council's directive the Community Services Advisory Board had made a study of special events and made recommendations which included designating certain events in the City as traditional and underwritten by the City. Mr. Saad asked whether the summer camp and after school programs could be reduced to admit City residents only; Mr. Lykins however pointed out that the City had entered into a ten-year interlocal agreement with Collier County whereby all City programs would provide equal access, regardless of residency.

Vice Mayor Sorey said that in the case of the after school and summer programs the City was both duplicating and competing with other available services; he also said that the City should no longer totally fund law enforcement services in conjunction with the Swamp Buggy Parade. Council Member Heitmann received various clarifications with regard to the City's use of the

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school properties at Lake Park and Seagate which was necessitated by the City's facilities not being sufficient in size to accommodate all the programs offered. Mrs. Heitmann expressed concern that the City has not produced programs of this sort which are revenue-neutral when another outside entity is able to do so. It was clarified however that none of the recreational programs offered by the City are revenue-neutral if the cost of the buildings is factored in; the after school and summer camp programs under discussion are those which derive less revenue than the cost of staging the program. Council Member Price said that while he favored eliminating duplicated services, based on prior dialog with parents, there must be a careful comparison between the City's offerings and the outside programs to ascertain whether eliminating the City programs would eliminate important features. Mr. Lykins predicted that the student/teacher ratio would be one of the factors cited for not eliminating the programs; Mr. Price suggested that the City might provide funding assistance to the outside entities to bring their programs more in conformance with the City in this regard.

Public Comment: (12:17 p.m.) **Fred Garner, 360 Pirates Bight**, cautioned that the true economic benefit of the Swamp Buggy Parade to the City be recognized, particularly with regard to hospitality industry and therefore recommended that the City not delete the sponsorship for at least the upcoming event which will facilitate orderly planning by the organization. He expressed doubt that the Sheriff's Department would be able to assist due to budget reductions which have been experienced in that agency. Council Member Heitmann concurred and expressed the opinion that the Council was overlooking the economic benefit derived from the Swamp Buggy Parade which may in fact not be the case with the Christmas Parade due to the hour that it is staged. Council Member Saad noted that, being a not-for-profit entity, financial information about Swamp Buggy Days is publicly available; he also said that since the event was featured on ESPN, ESPN should underwrite the \$9,000. Council Member Price, however, took issue with seeking financial information from groups such as this, relating his negative experience when asked for financials on the Gators Galore fund raising project. Mr. Saad nevertheless maintained that the staff should research Swamp Buggy's financial information, pointing out that the City had merely chosen not to charge for services because the parade is considered a tradition.

Recess: 12:23 p.m. to 12:51 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

With regard to summer camps and after school programs, Council Member Finlay pointed out that budget shortfalls dictate elimination of programs which are duplicated within close proximity and which are not revenue-neutral and contain significant enrollment from County residents. He concurred with all the proposed eliminations of funding except the City-run special events, especially those which are held in River Park; Mrs. Heitmann also expressed concern with elimination of programs at River Park. Council was then provided additional specifics on staffing demands for the summer day camp and after school programs with various members reiterating the need for a close comparison of the City's programs with those offered by the private entity. Council Member Sulick, however, pointed out that for the \$310,000 cost of the two programs, just 96 children of City residents are being served. With regard to the City-sponsored special events, she also supported elimination of most where other options are available. Council Member Price pointed out a \$44,000 loss in the tennis fund which, he said, should also be scrutinized. Vice Mayor Sorey suggested reviewing City-sponsored events individually, also expressing reluctance in deleting programs at River Park.

Consensus to direct City Manager to contact Collier County Sheriff with regard to financial participation in Swamp Buggy Parade, and eliminate City-sponsored summer day camp and after school program held at Fleishmann Park, researching means for City to transfer its level of service

to a similar program at Lake Park Elementary (i.e. supervisor/child ratio and educational benefit of program).

STORMWATER FEES ITEM 9

Stormwater fees, last amended in 2007, are charged to commercial properties, single-family properties, and multi-family properties and are included on the bi-monthly utility bill. City Council agreed to discuss the methodology used to determine the fee structure. The staff presentation will summarize the current methodology. (It is noted for the record that a printed copy of the electronic presentation used in this discussion is contained in the file for this meeting in the City Clerk's Office.) Streets & Stormwater Manager Ronald Wallace said that among the items to be reviewed is the equity/benefit of the ARU (average residential unit) rate policy which has been in place since inception of the stormwater utility system in 1992. Even though quality of runoff had over time eclipsed water quantity issues, the fee has enabled the City to effect improvements in both areas, Mr. Wallace said. He said that the ARU method is the most common rate policy and is both the least costly to implement and to administer. The same rate is applied to single family homes and individual multi-family dwelling units; commercial developments are billed one ARU per 1,934 square feet of impervious area. Of the \$4.1-million in annual revenue received, 20% is derived from single-family residences, 47% from commercial and 33% from multi-family which, Mr. Wallace asserted, represents an equitable level of service. Mr. Wallace further cited the following with regard to residential equity/benefit from the stormwater system:

- 1) The Utility Fee provides service to the streets and stormwater systems throughout the City which all City residents use. Also there are funding needs for the water quality initiatives associated with the Gulf of Mexico, Gordon River and Bays, which benefit all the residents and property owners regardless of their individual effect on the Stormwater System (Level of Service/LOS Methodology); and
- 2) This same philosophy/policy is utilized in other Utility Programs. Water Utility rates do not reflect the additional pumping costs to supply water to users based on location. There have been four potable water booster stations built to increase pressure in out areas that were paid by the Utility Fund, not the neighborhoods. In Solid Waste, rates are the same regardless of the amount of trash a customer generates.

Further, he said, a credit system is available to grant up to a 30% rate reduction for properties which have installed water quality systems, although few applications had been received to date, he said, although some had in fact been residential. He then reviewed the capital improvement spending and maintenance activities which include a monthly street sweeping schedule. With regard to water quality monitoring, it is anticipated that a plan will be developed to target specific nutrients which are of particular concern, Mr. Wallace said.

Mr. Wallace then reviewed issues which could represent dramatic impacts upon the stormwater fund, such as numeric nutrient criteria adopted by the Environmental Protection Agency (EPA) and the position of the DEP (Florida Department of Environmental Protection) with regard to the City's beach outfalls. Nevertheless, the City's relationship with regulatory agencies has been enhanced because it has long been proactive and is ahead of many other municipalities with regard to stormwater management. In addition, without a stormwater utility, the general fund would be impacted by approximately 25% in order to raise the \$4.1-million necessary to accomplish the activities of the system, Mr. Wallace concluded.

Council Member Finlay said that while he would not propose to alter either the rate structure or the ARU methodology, he was asking that condominiums be allowed to apply to the City for

billing at the same rate as commercial property of comparable size, based on an impervious area survey. This is due, he said, to his findings that some condominiums pay as much as three times the stormwater fees as commercial. Section 30-339, Adjustment of Fees, he said, seems to already allow for this procedure, although few condominiums apply, most likely because the savings to be realized would not offset the cost of an impervious area survey. He also asserted that stormwater rates in Naples are the highest in the state while the City's ARU encompasses a smaller area than the state average; nevertheless, condominiums pay even more than commercial exemplified by the comparative calculation, Mr. Finlay said. (See Attachment #1.)

In a discussion of the impact of grant funding upon the system, Vice Mayor Sorey explained that, while grants are not budgeted, when they are received they are applied to acceleration of the 20-year plan for stormwater improvements. Despite the existence of some inequities, Mr. Sorey cautioned that the cash flow of the system not be compromised. Streets & Stormwater Manager Wallace also pointed out that inequities are inherent in any rate system and noted that some condominiums would in fact pay double their current rate if the commercial methodology of impervious surface were applied; others might in fact pay considerably less; nevertheless, there are other factors which might be considered such as the level of nutrients introduced into the system by individual properties. City Manager William Moss reviewed the Council's prior decisions with regard to rate making. He indicated that the impact of allowing condominiums to apply for the commercial stormwater rate could be estimated based on potential applications.

Council Member Sulick pointed out that the alternative to a uniform rate for residential and commercial is allocation of rates to the individual stormwater basins which received the projected benefit; however, everyone in the City traverses those areas and receives the benefit, she said; the expense of stormwater management should therefore be handled as a citywide issue. Also, while water quality initiatives are costly, Mrs. Sulick further noted that the focus should not be redirected from the City's leadership position onto rate differentials which can result in other inequities. Finally, Mrs. Sulick cited the bonding that had been based on the City's capacity to collect from its rate structure. Council Member Saad however advocated that properties pay based on impervious areas, the computation for which would be at the discretion of the property owners who wished to apply for that type of rate computation; however, at this time he said he supported Mr. Finlay's proposal to allow condominiums to apply for a commercial stormwater rate. Council Member Price, however, said that this premise was thoroughly reviewed when the rates were established and it had been deemed impossible to arrive at a fair assessment on a property-by-property basis; commercial uses had been determined to have more impact on the stormwater system and should therefore bear more of the cost.

In conclusion, Council Member Finlay reiterated that the ability for a property to petition for a rate adjustment based on impervious area is already in the Code of Ordinances but should be clarified in light of his proposal to allow condominiums to be billed in the same manner as commercial properties. However, City Manager Moss said that the staff believed that a calculation of impervious surfaces for condominiums is at this time not allowed because the Code states that each condominium unit shall be one ARU; therefore, further amendment would be necessary to allow condominiums to apply for a rate differential. Streets & Stormwater Director Ron Wallace further reiterated that regulatory agencies will increasingly look toward nutrient load as opposed to area of impervious surface due to the increasing concern with regard to quality rather than quantity of runoff.

Vice Mayor Sorey said that he supported the goal expressed by Council Member Finlay, noting the likelihood that the rate structure would eventually change based both on study data and evolving environmental regulations. Council Member Saad also supported Mr. Finlay's premise that there is an inequity based on the rates paid by commercial and condominium structures of the same square footage, stating that equity is achieved only from determining actual discharge into the system in all categories of usage, including single family. Council Member Price, however, said that he could not support any change in the stormwater rate structure and continued to concur with Council's prior reasoning in this regard. Council Member Sulick stressed the variables which must be taken into account, including the extent and nature of a rain event and the property's location in the City, especially areas where single family homes have been replaced by condominiums with greater impervious surface.

Consensus to make no changes in the stormwater fee structure (Finlay, Saad and Sorey dissenting).

Recess: 2:25 p.m. to 2:36 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

ARBOR, TRELLIS AND PERGOLA REGULATIONS ITEM 10
Regulations Regarding the Construction of Arbors, Trellises and Pergolas. These structures are allowed to encroach into setback areas. Many requests to construct arbors, trellises, and pergolas do not meet current standards. The discussion will consider amendment options. (Continued from 01/18/11) Planner Erica Goodwin indicated that staff was seeking clarification to address the handling of arbors, trellises and pergolas which are seen as exceeding the original intent of usage; they are currently not considered a yard encroachment and there is no regulation with regard to placement, height, material and the like. (It is noted for the record that staff's submission with regard to this matter is included as Attachment 2.)

Public Comment: (2:37 p.m.) **Sharon Kenny, 411 17th Avenue South**, spoke against the proposed regulations and stressed that the Planning Advisory Board (PAB) had in fact not chosen to regulate the size, height or material of trellises and had agreed that design parameters should not be imposed on properties. She took particular issue with the proposed limiting of structures to natural materials in light of recent innovations in building materials, some of which have the appearance of natural materials. Further, she cautioned that imposing height regulations may conflict with FEMA (Federal Emergency Management Agency) elevations and therefore cause these items to be out of scale with other structures on the site; height issues could also cause structures not to satisfactorily accommodate hanging vegetation. She cited other considerations which would require permitting such as lighting and hurricane standards, and further stated that on larger properties, there should not be a size limit of 12 X 12 feet. Mrs. Kenny also took issue both with a lack of definition for chickees and a lack of size limitation for this type of structure. In response to Council Member Finlay, Ms. Goodwin explained that because a building permit is required, wind load is therefore calculated. **Donna Krall, representing Port Royal Association**, indicated that her organization had requested that these structures be addressed because large versions were being requested for construction into the setback; she asked that they not be permitted in setbacks in the R1-15a Residential (Port Royal) district. In response to Council Member Finlay, Ms. Krall further explained that a Port Royal deed restriction limits hedges to 36 inches and denotes types of trees which can be planted so as to prevent encroachment into a neighbor's waterfront view. **Robin Wheeler, 736 Kings Town Drive**, concurred with Ms. Krall's statements and also stated that the primary concern was not materials but encroachment into setbacks by large structures which could negatively impact the sight line of neighbors.

City Council Workshop Meeting – February 14, 2011 – 8:30 a.m.

Council Member Sulick stressed the importance of maintaining the integrity of setbacks, noting that some subdivisions have just 7.5 feet of side yard setback into which eaves can encroach up to 36 inches, although this is not allowed in the R1-15a district. Therefore, she said she supported the changes proposed. Vice Mayor Sorey suggested that these structures not be limited to the support of horticultural materials, but as effective decorative elements, provided appropriate setbacks are in place. In addition, he recommended that the structures not be limited to natural materials. Council Member Heitmann concurred, but also noted that in some cases there is need for privacy screening which these structures may provide within the side yard setback. Council Member Finlay however observed that regulations could be tailored to the need of individual zoning districts. Council Member Price proposed that the regulation merely prohibit these types of structures in the setbacks; confirming that most of the issues which have recently arisen involve structures in the R1-15a district, he suggested that revisions be made to Section 58-124(d)(1) which addresses arbors and trellises for that particular zoning category. Planning Director Robin Singer, however, also confirmed that there had been an increase in requests for these types of structures in other neighborhoods for such purposes as seating areas and car ports, and the staff sought a determination relative to permissibility when there is an additional use involved.

After further discussion, the changes below were determined; it was noted that the staff would return with a revised ordinance amendment excluding structures from the side yard setbacks.

Consensus to revise as follows: “Sec. 56-54 (a)(3): “~~trellises, p-Flag poles, play equipment, wires~~ ...”; Sec. 56-54(a)(4)(a)(2): ...building envelope but shall not encroach into side yard setback; all...” and “Sec. 56-54(a)(4)(a)(3): ...must be constructed of natural materials,...and...”.

LAND USE / SUBDIVISIONS..... ITEM 11
Changes in State requirements for subdivisions, clarification of current City subdivision standards, and proposed revisions to the City Code of Ordinances will be discussed. These include: Administrative review of minor subdivisions; administrative approval of minor subdivisions of zero lot line properties within a perimeter plat; and a requirement to re-plat properties prior to development. (Continued from 12/13/10 and 12/15/10)
Planning Director Robin Singer explained that the goal was to simplify the process when the proposal involved is merely a lot split of less than three parcels so that traditional platting requirements will not be imposed. She observed that petitions involving townhouses will continue to undergo the regular subdivision process and generally also require a side yard setback variance. New multi-family and commercial projects must continue to go through the platting process, she said, as well as maintain continuity with statutory requirements for submittal of new plats for major subdivisions.

Council Member Price took issue with substituting “city” for “City Council” in various sections of the proposed ordinance with regard to review and approval of plants; Ms. Singer indicated that this would be revised accordingly. In response to Council Member Heitmann, Ms. Singer said that this amendment had been largely staff-driven and prompted by the need to simplify requirements for lot splits and other requests which involved zero lot line townhouse properties; in addition there had been a need to have the language comport with statutory requirements.

Consensus to proceed with text amendment as presented.

REVIEW OF ITEMS ON THE 02/16/2011 REGULAR MEETING AGENDA..... ITEM 12
No comments or requested information.

PUBLIC COMMENT
None.

CORRESPONDENCE / COMMUNICATIONS

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At the request of Council Member Finlay, Vice Mayor Sorey explained that the Collier County Coastal Advisory Committee (CCAC) had asked its staff to research strategies being used by other jurisdictions to maintain sand on beaches, noting that sand in fact remains in the local off-shore system. Council Member Finlay noted an upcoming meeting of a residents' committee dealing with the possibility of placing certain navigational markers in the area of Clam Pass; this group had requested his presence to support the interests of the Seagate community. Mr. Sorey said that he, too, would attend. Mr. Finlay also requested that the Council take action on formation of the efficiency committee; Mayor Barnett indicated that this would be scheduled for March. Council Member Price noted complaints received regarding discourtesy at access points at the recent Ferrari Show; he recommended that this be addressed when the Council acts on subsequent permit applications for this event. Council Member Heitmann took exception to adult materials being displayed at Spencer Gifts in Coastland Mall. Vice Mayor Sorey also commented on the Ferrari Show being given a less stringent parking standard for support vehicles than the Artcrafters who are required to park a greater distance from their event; he said he had also received a complaint about attendees at the Ferrari Show damaging sprinkler heads while parking in the right-of-way. In addition, Mr. Sorey requested a meeting with Sheriff Rambosk with regard to law enforcement services which might be available to the city; it was the consensus to schedule such a meeting.

ADJOURN
3:28 p.m.

Bill Barnett, Mayor

Minutes prepared by:

Tara A. Norman, City Clerk

Minutes Approved: _____

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Attachment 1
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Subj: **Storm Water/Cove Inn/Condos**
Date: 02/13/2011 11:05:52 A.M. Eastern Standard Time
From: Djfinlay@aol.com
To: bmoss@naplesgov.com, gstrakaluse@naplesgov.com

Bill,

One last thing on The Cove Inn and the glaring inequity between commercial property like the The Cove and many condominiums. Below is a comparison between The Cove Inn and the Solamar (Russ Gowland) and Bay Shore Place (David Feight) condos. As you know, The Cove Inn is billed based on impervious area and the two condos are billed based on the number of residential units (ARU's).

Property	Impervious area	Annual fee
Cove Inn	197,000 sq ft	\$14,700
Solamar	85,000 sq ft	\$15,400
Bay Shore Place	56,000 sq ft	\$14,800*

*excludes storm water management system credit.

What does the above tell us? The Cove Inn, which has far more impervious area, (up to 3.5 times more) pays the same, if not smaller fee. Furthermore, The Cove Inn includes two restaurants, (one being the Boat House), offices, and all of the impacts associated with those commercial uses as well as the impacts of 98 transient lodging units. Reasonable? You would be hard pressed to find anything more inequitable.

Doug

SUPPLEMENT
FINLAY

Sunday, February 13, 2011 AOL: Djfinlay

City of Naples



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: February 14, 2011

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Agenda Item:

10

BACKGROUND (cont.):

In response to multiple existing and proposed large arbors/trellises/ pergolas in required yards and to concerns expressed by residents and Property Owner Associations, Staff has drafted potential language for such regulations.

The issues in addressing arbors/trellises/pergolas were discussed with the Design Review Board as part of a larger discussion regarding Section 56-54 of the Code of Ordinances at their meeting on May 26, 2010. Staff has not received any comments from the DRB members in response to this discussion.

On January 12, 2011 the Planning Advisory Board reviewed the existing and proposed regulations in Section 56-54 pertaining to arbors/trellises/pergolas and discussed the need for additional language to be codified in a future Text Amendment. The PAB did not find it necessary to regulate the size, height or material of trellises, but were mainly concerned with maintaining a side yard setback and recommend that a setback of 5 feet be imposed for trellises in the side yard. Staff also discussed this item with the Presidents' Council at their meeting on January 24, 2011. The Presidents' Council also discussed the need for regulations regarding a side yard setback and for trellises in the front yard to be located where they do not impede visibility for ingress and egress from neighbor driveways.

The attached language was drafted for discussion purposes only, and was presented to the PAB and Presidents' Council in order to determine what regulations are necessary for arbors/trellises/pergolas. Following discussions with the various boards and councils, Staff recommends the inclusion of a 5' side yard setback for arbors/trellises/pergolas, as well as a requirement that such structures in the front yard not impede visibility for ingress and egress from neighboring driveways. It is also recommended that the requirement for these structures to be utilized for horticultural growth only be removed.

This item was scheduled for the January 18, 2011 Workshop, but due to the length of that meeting, was continued to the February 14, 2011 Workshop.

Reviewed by Department Director
Robin Singer

Reviewed by Finance
N/A

Reviewed by City Manager
A. William Moss

City Council Action:



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: February 14, 2011

Agenda Item:	10	Prepared By: Erica J. Goodwin, Planner II	Date: February 2, 2011	Department: Planning
SUBJECT: Discussion regarding Section 56-54 of the Code of Ordinances as it pertains to arbors, trellises and pergolas.				
BACKGROUND: Planning Staff has received numerous permit applications for and questions regarding regulations for the construction of trellises, arbors and/or pergolas. The purpose of this Workshop discussion is to determine if the current limited regulations for such improvements are adequate. Should City Council determine that the current regulations are not adequate, staff has offered proposed language to be codified as a future Text Amendment. Section 56-54 of the Code of Ordinances provides for allowable yard encroachments in the City's various zoning districts and permits a variety of design elements to extend into a property's required yards (see attached regulations). Per subsection 56-54(a)(3), arbors and trellises are not considered yard encroachments, provided that they are intended for the support of horticultural growth. Zoning interpretation 91-12 was drafted in 1991 to further clarify that <i>"the horticultural growth must be the primary intrusion into the required yard; the "support therefore" must be secondary to it. The "arched arbors or trellises" referred to in the above provision are intended to be free-standing "braces" for vines and/or shrubbery and are not intended to be attached to the tops of fences (adding to their height) or to the eaves of buildings (adding to the eave encroachment which is limited to three feet into the side yard)".</i> Currently, Staff does not approve an arbor/trellis/pergola that is structurally or physically attached to any part of the building or another structure or that appears to be intended for a use other than the support of horticultural growth. However, Staff suggests that these architectural elements be allowed to attach to and become an element of the building or fence, provided that they do not increase the height of the fence beyond the maximum allowable height and/or do not increase the encroachment of an eave beyond the maximum allowed 36". Permit applications have been submitted for such structures to be located on pool decks, in driveways to serve as carports, and on patios to serve as lanais. While an arbor/trellis/pergola that is enclosed with roofing or wall material is not approved, the Code currently does not regulate the height, size or acceptable materials of arbors, trellises and/or pergolas. These structures can be attractive design elements and should be permitted in all residential districts. However, staff feels that the code should be clarified as to restrictions on the height, area and material permitted. Theoretically, under the current Code, a homeowner could build a 30 foot tall aluminum arbor/trellis/pergola with 2 foot diameter marble or concrete columns covering the entire front, side and rear yards of their property.				

Sec. 56-54. - Yards.

- (a) *Encroachments into required yards.* Structures less than 30 inches in height, other than swimming pools, are not considered encroachments upon minimum required yards. Every part of every required yard shall be open and unobstructed from 30 inches above the ground, as measured from the average elevation of the crown of road along the property frontage, except as provided in this section or section 56-45, Pools. Bermed earth, plant materials and driveways that follow the contours of the grade are not considered encroachments.
- (1) Cornices, overhangs, decorative awnings with no ground support installed over windows and at entrances, eaves and gutters, chimneys, bay windows, balconies and means of egress may project at maximum of 36 inches into required yards, except as limited in the R1-15A zoning district. Larger awnings, such as porte cocheres, requiring pole supports to be placed in a setback area, or those without pole supports which encroach more than 36 inches into required yards, may be approved at the discretion of the city manager. These encroachments are permitted in all zoning districts except single-family districts, and such awnings must function as decorative architectural elements as opposed to garage, carport or other similar storage facilities. Air conditioning and pool equipment permitted and installed prior to the effective date of this ordinance may be maintained and replaced provided the new equipment does not encroach more than 36 inches into any required yard.
- (2) In single-family districts, excluding the R1-15A district, the following encroachments are permitted into the required side yard as the line of setback bends to a 12:12 slope beyond the first 15 feet of height:
- Chimneys are permitted to encroach a maximum of 5 feet vertically or the minimum distance necessary to meet the fire safety requirements of the Florida Building Code.
 - Balcony railings are permitted to encroach a maximum of 4 feet vertically. These railings must be at least 50 percent transparent and open in design, and the width of the balcony and railing cannot exceed 50 percent of the width of the facade on which it is located, as measured from the base of the structure.
 - Overhangs are permitted to project 36 inches beyond the line of setback. An overhang shall include only that part of the roof that extends beyond the vertical extension of the outside face of the wall.
 - No other part of a structure, including any portion of a roof, may encroach into the required side yard as it bends to the 12:12 slope.
- (3) ~~Horticultural growth and support therefore, such as arched arbors or trellises,~~ Poles, play equipment, wires, lights, mailboxes, and outdoor furniture are not considered yard encroachments.
- (4) Horticultural growth and support therefore, such as arched arbors, trellises or pergolas.
- a. Location and design.
- Arbors, trellises and pergolas may be located in any single-family, duplex or multiple-family dwelling areas.
 - One arbor, trellis or pergola is allowed outside the building envelope; all others must be within the building envelope.
 - Arbors, trellises and pergolas may not be enclosed, must be constructed of natural materials, and may be used only to provide shade or serve as a decorative architectural or horticultural support element and may not be used as a carport, storage shed, boat shelter or the like.
 - Arbors, trellises and pergolas may not be attached to the tops of fences (adding to their height) or to the eaves of buildings (adding to the eave encroachment which is limited to three feet into the side yard).
 - The maximum distance between the ground and the top of the highest point of the structure may not exceed 10 feet.
 - The maximum area shall not exceed 144 square feet, measured from the outside edge of the post or column.
 - No side of the structure may be more than 12 feet in length, measured from the outside edge of the post or column.
- (4 5) Boat shelters are permitted in accordance with this chapter.
- (5-6) Chickees may be permitted in rear yard setback areas by the approval of a conditional use permit. Such structures may not be enclosed, must be constructed of natural materials, may not obstruct the view or interfere with the privacy of an adjacent neighbor, and may be used only to provide shade or serve as a decorative architectural element and may not be used as a carport, storage shed, boat shelter or the like.

Attachment 2
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(~~6-Z~~) The height of a retaining wall is measured from the average elevation of the crown of road along the property frontage to the top of the finished grade. Retaining walls exceeding 30 inches in height are not permitted in required yards unless otherwise allowed as part of a pool deck. The total height of walls extending above finished grade shall be governed by Section 56-37, Fences and walls.