



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – August 20, 2025 – 8:32 a.m.

It is noted for the record that all: 1) documentation electronically appended hereto is also contained in the file for this meeting with the City Clerk's Office; 2) experts who testified during quasi-judicial hearings were accepted as qualified to do so in their respective fields of expertise; 3) added items are referenced in red as "ADDED ITEM"; and 4) added attachments are referenced in red as "ADDED ATTACHMENT".

1. CALL TO ORDER AND ROLL CALL

City Council Members Present

Teresa Heitmann, Mayor
Terry Hutchison, Vice Mayor

Berne Barton
Ray Christman
Bill Kramer
Linda Penniman
Beth Petrunoff

Staff Present:

Gary Young, City Manager
Patricia Rambosk, City Clerk
Phillip Pennington, Fire Chief
Corey Adamski, Deputy Fire Chief
Katie Laakkonen, Sr. Environmental Spec.
Monique Barnhart-Tiberio, Communications
and Public Outreach Manager

Matthew McConnell, City Attorney
Erica Martin, Planning Director
Jeff Brammer, Planner II,
Kim Nudi, Planner
Stefan Massol, Finance Director
Steve Beckman, Dir. of Building Services
Jessica Rosenberg, Deputy City Clerk
Jessica Hernandez, Deputy City Clerk

Others Present:

Mark Mincy
Diane Christensen
Joe Logrippo
Sally Petersen
Meg Stepanian
Christopher Lee

Heather Tucker
Mark McLean
Francesca Passidomo
Dennis Auray
James Knafo

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Mark Mincy, Orangetree Bible Church, gave an invocation. Council Member Barton subsequently led in the Pledge of Allegiance.

3. SET AGENDA (add or remove items)

City Manager Gary Young suggested moving Item 13.H ahead of 13.G.

Council Member Penniman requested removing Item 7.A from the Consent Agenda for a separate discussion and vote. In addition, Council Member Petrunoff requested removing Item 7.B from the Consent Agenda for a separate discussion and vote.

MOTION by Hutchison to APPROVE THE AGENDA subject to the following changes: 1) considering Item 13.H prior to Item 13.G; and 2) removing Items 7.A and 7.B from the Consent Agenda for a separate discussion and vote; seconded by Petrunoff and unanimously carried, all members present and

voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

4. ANNOUNCEMENTS AND PRESENTATIONS

4.A PROCLAMATION FOR “CHRISTENSEN WAY”.

Mayor Heitmann read a proclamation honoring firefighter Anthony “Tony” Christensen. She noted the difficulty of losing him to COVID-19 early in her tenure and praised the bond among first responders. She recognized Firefighter Christensen’s 22 years of service, awards, and leadership, and announced the City would name an alley near the fire station “Christensen Way.” Firefighter Christensen’s widow, Diane Christensen, offered words of thanks, while Fire Chief Phillip Pennington invited the public to attend the unveiling of the alley.

[Proclamation \(ADDED ATTACHMENT / Staff\)](#) 

4.B PROCLAMATION FOR NAPLES “NICE DAY”.

Mayor Heitmann then read a proclamation designating August 18, 2025, as Naples NICE Day, highlighting the City’s commitment to kindness, respect, and preserving community character. She encouraged residents and visitors to participate by embodying “Naples Nice” values. Naples NICE Advisory Board Chair Joe Logrippo thanked City Council and explained the initiative’s focus on mentoring youth ages 13–18. He then shared his background as a Marine Corps veteran and former investment professional. He concluded by describing efforts in schools and volunteer clubs to promote kindness and stewardship.

[Proclamation \(ADDED ATTACHMENT / Staff\)](#) 

5. PUBLIC COMMENTS

Sally Petersen, urged the City Council to offer leadership under the theme “local voices, local choices.” She recommended stronger neighborhood engagement in budget planning, as priorities differ by area, and called for restoration of Neighborhood Master Plans in the Comprehensive Plan update. She warned that Senate Bill 180 limits protective amendments and urged the City Council to join litigation to defend home rule. **Heather Tucker**, on behalf of Scott Smith, read a letter that voiced support for outdoor dining and live entertainment in the Design District, highlighting the walkability that makes Naples unique. Mr. Smith’s letter praised The Minibar and noted The District would benefit from outdoor seating, which many residents value. **Mark McLean**, Architect at MHK Architecture and representative of the property owner at 210 9th Street North, gave an electronic presentation on the lack of affordable and workforce housing. He explained that under Code Section 56-82, density and parking restrictions make such projects financially unfeasible when compared to the profitability of condominium development. He stated that, while the Live Local Act allows more density and height, it conflicts with downtown zoning and creates parking shortages. He proposed a workforce housing matrix or land use designation allowing up to 40 units per acre, capped at 42 feet, to ensure feasible unit sizes while maintaining character. In addition, he suggested reserving dwellings for first responders, teachers, and City employees, and asked Council to authorize staff to draft revisions on a set timeline, offering his firm’s assistance.

Mayor Heitmann delivered State of the City remarks, noting that Naples is resilient after the past storms and challenges while preserving community values. She thanked City Manager Gary Young, City Attorney Matthew McConnell, City Clerk Patricia Rambosk, City Council Members, and resident volunteers for their service. She emphasized the need to streamline permitting, reduce inefficiencies, and defend home rule against state and federal overreach. She then highlighted resiliency efforts, including a possible \$120 million referendum for stormwater, seawalls, streets, and coastal protection, as well as collaboration with Collier County and the state on water quality and environmental protections. She noted the importance of balancing major events with neighborhood impacts, raising public safety wages, and supporting cultural organizations such as the Gulfshore Playhouse, the Naples Players, and the Naples Art Institute. She concluded by stating that she would continue focusing on fiscal stewardship, community-first policies, and smart investments, and she looked forward to working with the City Council in the new session.

APPROVAL OF CONSENT AGENDA

MOTION by Christman to **APPROVE THE CONSENT AGENDA** subject to removing Items 7.A and 7.B for a separate discussion and vote; seconded by Hutchison and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

6. MINUTES

- 6.A) Approval of the May 19, 2025 Workshop Meeting Minutes, the June 4, 2025 Regular Meeting Minutes, the June 16, 2025 Workshop Meeting Minutes, and the June 18, 2025 Regular Meeting Minutes.**

Agenda Memorandum

May 19, 2025 Workshop Meeting Minutes

June 4, 2025 Regular Meeting Minutes

June 16, 2025 Workshop Meeting Minutes

June 18, 2025 Regular Meeting Minutes

- 7.C) Resolution 2025-15659 – A Resolution Approving A Professional Services Consultant's Agreement Between The City Of Naples And RSC Insurance Brokerage, INC. D/B/A Risk Strategies Company For Employee Benefits Consulting And Brokerage Services For The Three-Year Period Beginning October 1, 2025 Through September 30, 2028, With The Option To Renew For Two Additional One-Year Periods; Authorizing The City Manager To Execute The Professional Services Agreement; And Providing An Effective Date.**

Agenda Memorandum

Resolution

25-018 Bid Analysis

Professional Services Consultant's Agreement

- 7.D) Resolution 2025-15660 – A Resolution Authorizing the City Manager to Issue Purchase Orders for Payment to Cigna Health and Life Insurance Company for Administrative Service Fees, Stop Loss Insurance Premiums, and Claims Funding for Group Medical and Prescription Claims for the Period October 1, 2025 through September 30, 2026; and Providing an Effective Date.**

Agenda Memorandum

Resolution

Gehring Group Medical Rx Renewal Evaluation

Gehring Group Medical Renewal Projection 18 Month Trend

- 7.E) Resolution 2025-15661 – A Resolution Approving a Third Amendment to the Contractor's Services Agreement Between The City of Naples and T2 Systems Canada, Inc. A Foreign Corporation Authorized to do Business in the State of Florida to Provide Beach Parking Pay Stations, Parking Applications, and Parking Enforcement Applications; Authorizing The City Manager to Execute the Third Amendment to the Contractor's Services Agreement; and Providing an Effective Date.**

Agenda Memorandum

Resolution

DRAFT Extension (Years 11-12)

Extension Letter - Agreement Renewal (2025-2027)

Extension (years 8-10) of Agreement- Terms: 10-1-22 to 9-30-25

Extension (years 6-7) of Agreement-Terms: 10-1-20 to 9-30-22

First Renewal to Agreement- Term: 10-1-2017 to 9-30-2018- with two renewals

Third Renewal- Term: 10-1-19 to 9-30-20- no renewal options.

Second Renewal- Term: 10-1-18 to 9-30-19- with one remaining renewal

2nd Amendment to Agreement- 2016- Purchase additional Pay Stations- Term 10-1-17 to 9-30-18

First Amendment to Agreement- May 2015- Term 2015-2017

First Agreement- April 2015- Term: 2015-2017 - with (3) 1 year renewals

8. OTHER – None.

END OF CONSENT AGENDA

9. PUBLIC HEARINGS

REGULAR AGENDA

10. ITEMS PULLED FROM CONSENT AGENDA (If Needed)

7.A) RESOLUTION 2025-15654 – A RESOLUTION APPROVING TASK ORDER NO. 25-01-60-61-531000 BETWEEN THE CITY OF NAPLES AND TETRA TECH, INC., A DELAWARE CORPORATION AUTHORIZED TO DO BUSINESS IN THE STATE OF FLORIDA, TO PROVIDE PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR THE DEVELOPMENT AND UPDATE OF A SURFACE WATER QUALITY AND BIOLOGICAL ANALYSIS REPORT, IN THE AMOUNT OF \$131,501.77; AUTHORIZING THE CITY MANAGER TO EXECUTE THE TASK ORDER; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution approving Task Order 25-01-60-61-531000 with Tetra Tech, Inc. in the amount of \$131,501.77 to update the surface water quality and biological analysis report. Senior Environmental Specialist Katie Laakkonen explained that the report compiles estuarine data from Moorings Bay, Naples Bay, and the Gordon River, analyzes trends, and connects findings to seagrass and fisheries. Council Member Penniman raised concern over the use of Harvey Harper methodologies, criticized for labeling wetlands as polluters, and asked staff to review their inclusion. Vice Mayor Hutchison inquired about monitoring, and Specialist Laakkonen confirmed three continuous stations and nine monthly sites provide data, noting monitoring instruments called sondes were first deployed for oyster restoration and that long-term analysis relies on sites dating back to 2011.

Vice Mayor Hutchison recalled earlier reports showing significant habitat losses and confirmed the study would track impacts on mangroves, seagrass, and oysters. He also asked about City lakes, and Specialist Laakkonen said data from Lakes 8 and 9, along with tributaries such as Haldeman and Rock Creek, would be included. She added that Golden Gate Canal inputs would be analyzed, citing oyster restoration as an example of how data had guided past projects. Council Member Penniman again highlighted Harper methodology language, and Specialist Laakkonen stated the City could work with Tetra Tech to minimize its use and rely primarily on City data. Council Member Christman supported approval, on the condition that Harper methodologies would be excluded from the report.

Vice Mayor Hutchison asked how results would be addressed when pollutants originate outside City limits. In response, Senior Environmental Specialist Laakkonen explained that data is shared with Collier County for source tracking. Council Member Barton observed that Harper methods were listed only as a fallback, and Specialist Laakkonen agreed they could be replaced. When Vice Mayor Hutchison asked about costs, Specialist Laakkonen said the impact would be minor given the City's limited wetlands. City Council agreed to proceed with the project while directing staff to reduce reliance on Harper methodologies and make adjustments with Tetra Tech at project kickoff if needed.

MOTION by Christman to APPROVE RESOLUTION 2025-15654 with the understanding that staff will review, in coordination with the consultant Tetra Tech, the issues raised regarding the studies and methodologies, and ensure that the work carried out under this scope does not include data collection or data analysis that could be counterproductive to wetlands protection; seconded by Barton and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

Agenda Memorandum

Resolution

Task Order and SOW

- 7.B) **1. RESOLUTION 2025-15655 - A RESOLUTION DESIGNATING PATRICIA L. RAMBOSK, CITY CLERK, AS CHIEF ELECTION OFFICIAL FOR THE CITY OF NAPLES GENERAL ELECTION OF FEBRUARY 3, 2026; AND PROVIDING AN EFFECTIVE DATE.** **2. RESOLUTION 2025-15656 - A RESOLUTION APPOINTING A CITY ELECTOR TO THE CANVASSING BOARD FOR THE CITY OF NAPLES GENERAL ELECTION OF FEBRUARY 3, 2026; AND PROVIDING AN EFFECTIVE DATE.** **3. RESOLUTION 2025-15657 - A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT FOR ELECTION SERVICES WITH COLLIER COUNTY AND THE COLLIER COUNTY SUPERVISOR OF ELECTIONS FOR SERVICES AND THE USE OF VOTING AND BALLOT TABULATION EQUIPMENT IN CONJUNCTION WITH THE CITY OF NAPLES GENERAL ELECTION TO BE HELD ON FEBRUARY 3, 2026; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** **4. RESOLUTION 2025-15658 - A RESOLUTION AUTHORIZING AND APPROVING THE USE OF THE COLLIER COUNTY VOTING AND BALLOT TABULATION EQUIPMENT FOR THE CITY OF NAPLES GENERAL ELECTION TO BE HELD FEBRUARY 3, 2026; AND PROVIDING AN EFFECTIVE DATE.**

City Attorney Matthew McConnell read the titles of four resolutions relating to the February 3, 2026, City of Naples General Election, and noted that each would require separate motions. He highlighted that early voting was not included in the Interlocal Agreement with the Collier County Supervisor of Elections.

City Clerk Patricia Rambosk reported that in the 2022 election only about 1,100 votes were cast during eight days of early voting, compared to three times as many by mail and significantly more on Election Day. She said vote-by-mail is now the preferred method and providing for early voting would cost an additional \$45,000, nearly doubling the total expenses of the election. In response to Council Member Petrunoff, City Clerk Rambosk estimated early voting accounted for about 17 percent of ballots, and reminded City Council that secure drop boxes remain available at the Supervisor of Elections office.

Council Members agreed that strong communication is essential, so residents understand voting options, with Council Member Barton noting his personal preference for early voting but agreeing to enhance outreach efforts if early voting is not available. Vice Mayor Hutchison said early voting cost \$41 per ballot in 2022 compared to a \$2 to \$15 national average, making it unjustified for a stand-alone city election. City Clerk Rambosk confirmed a communications plan is underway through newsletters, emails, and outreach. Council Members emphasized outreach as the best way to inform voters.

MOTION by Christman to APPROVE RESOLUTION 2025-15655; seconded by Hutchison and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

MOTION by Christman to APPROVE RESOLUTION 2025-15656; seconded by Penniman and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

MOTION by Christman to APPROVE RESOLUTION 2025-15657; seconded by Penniman and carried 6-1, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-no, Heitmann-yes).

MOTION by Christman to APPROVE RESOLUTION 2025-15658; seconded by Barton and carried 6-1, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-no, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution - Chief Election Official](#)

[Resolution - City Elector](#)

[Resolution - Interlocal Agreement](#) [Interlocal Agreement](#)

[Resolution - Use of Equipment](#)

11. LAND USE MATTERS

11.A) Request for Continuance to September 24, 2025 City Council Meeting. A Resolution Determining Conditional Use Petition 25-CU4, Relating to a Conditional Use Pursuant to Section 50-102(b)(2) of the Code of Ordinances, City of Naples, to Allow Required Parking Within 600 Feet of a Lot to Accomplish Shared Parking on Property Owned By Hygate Properties, LLC., and Located at 1795, 1801-1841 9th Street North, More Fully Described Herein; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the resolution and stated that the applicant requested a continuance.

MOTION by Petrunoff to CONTINUE ITEM 11.A until the September 24, 2025 City Council Regular Meeting; seconded by Hutchison and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

[Request for Continuance](#) 

11.B) This Request has been Withdrawn.

A Resolution Determining Live Entertainment Petition 25-LE2 Establishing Non-Amplified Outdoor Live Entertainment with No More than Two Entertainers Playing With Doors and Windows Open, From 5 p.m. to 8 p.m. on Monday and Thursday, and Saturday From 6 p.m. to 9 p.m., for the Restaurant Known as Hogfish Harry's on Property Owned by Phelan - Hogfish Property Holdings 513, LLC, and Located at 600 Neapolitan Way; More Fully Described Herein; and Providing an Effective Date.

Planning Director Erica Martin announced that Item 11.B had been withdrawn by the petitioner and would not be heard, though it remained on the agenda, as the public had been notified. City Attorney Matthew McConnell read the title of the Resolution and explained that the item was for live entertainment approval at a restaurant, but noted that a future request may differ.

Vice Mayor Hutchison asked about the process for withdrawn items returning to Council. City Attorney McConnell explained that applicants may reapply at any time. Planning Director Martin clarified that a withdrawn petition would require a new application, fee, and public notice, thereby restarting the process from the beginning. No motion was needed to withdraw, and Council then proceeded to Item 11.C.

[Request for Withdrawal](#) 

[25-LE2 Withdrawal Email](#) 

11.C) Resolution 2025-15662 – A Resolution Determining Outdoor Dining Petition 25-OD6 Establishing Outdoor Dining on Private Property to Include Twenty-One (21) Tables and Sixty-Six (66) Chairs for the Restaurant Known as Hogfish Harry's on Property Owned by Phelan-Hogfish Property Holdings 513, LLC, and Located at 600 Neapolitan Way, More Fully Described Herein; Providing for Scrivener's Errors; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the Resolution, Outdoor Dining Petition 25-OD6 for Hogfish Harry's, located at 600 Neapolitan Way within the Park Shore Resort.

This being a quasi-judicial proceeding, Notary Public Jessica Rosenberg administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman and Barton / were familiar with the site, but had not had contact; Christman / was familiar with the site, had reviewed the petitioner's application with

staff, and had a conversation with the petitioner's representative; Kramer / was familiar with the site and had conversations with staff; Petrunoff / was familiar with the site, and had a conversation with the petitioner's agent; Hutchison / was familiar with the site, had conversations with staff, but had no other contact; Heitmann / was familiar with the site, and had communications with staff. Attorney Francesca Passidomo of Coleman Yovanovich Koester, representing the petitioner, overviewed an electronic presentation, noting the restaurant has provided outdoor dining for nearly 20 years and that the current request would maintain essentially the same seating capacity while incorporating life-safety adjustments. She confirmed that Phelan Family Brands purchased the restaurant in February 2025 and has been operating under a temporary permit.

In response to Council Member Petrunoff, Attorney Passidomo said the request is for 21 tables and 66 chairs, reflecting an increase of four tables but a reduction of two seats from the prior approval.

Planner II Jeff Brammer reviewed the staff report, explaining that the change in ownership required updated plans, which were reviewed and approved by the Fire Marshal for compliance with current life safety codes. He added that the updated plan includes 256 additional square feet of dining area, which requires one additional parking space but leaves a surplus of 92 spaces overall. He also noted that the companion request for live entertainment had been withdrawn. He noted the revised resolution contained minor edits clarifying the changes in seating and updating the date of the plan to August 6, 2025.

During City Council discussion, members clarified the changes in seating and tables, confirmed the restaurant's operations remain the same aside from ownership, and questioned whether valet parking was appropriately permitted.

Public Comment: Dennis Auray, a nearby resident, expressed support of the petition but expressed concern about valet operations blocking traffic in the street. In response, Attorney Passidomo responded that the petitioner would review valet operations with the Resort and address any concerns.

MOTION by Petrunoff to APPROVE RESOLUTION 2025-15662 subject to the following changes: 1) amending the 5th Whereas Clause to read as follows: "...twenty-one (21) tables and sixty-six (66) chairs....which is ~~the same a~~ reduction in the number of tables and chairs and increase in the number of tables previously approved for this location;" and 2) changing the plan date reflected in Section 2 to August 6, 2025. This motion was seconded by Hutchison and unanimously carried, all members present and voting (Christman-yes, Barton-yes, Kramer-yes, Petrunoff-yes, Penniman-yes, Hutchison-yes, Heitmann-yes).

[Agenda Memorandum](#) 

[Resolution](#) 

[Application](#) 

[Disclosure of Interest - Property Owner](#) 

[Disclosure of Interest - Business Owner](#) 

[Warranty Deed](#) 

[Aerial](#) 

[Original Site Plan](#) 

[Architectural Plans](#) 

[Equipment - Existing Heaters](#) 

[Outdoor Dining - Temporary Permit](#) 

[Credentials - Petitioner](#) 

[Credentials - Staff](#) 

[Public Notice Mailing Addresses](#) 

[Correspondence](#) 

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

[Amended Resolution \(ADDED ATTACHMENT / Staff\)](#)

Recess: 10:25 a.m. to 10:40 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

11.D) RESOLUTION 2025-15663 – A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 25-LE3, AMENDING THE LIVE ENTERTAINMENT PREVIOUSLY APPROVED BY CITY COUNCIL (RESOLUTION 2023-15090), PURSUANT TO SECTION 56-125 OF THE CODE OF ORDINANCES, TO ALLOW FOR AMPLIFIED INDOOR (WITH DOORS AND WINDOWS CLOSED) LIVE ENTERTAINMENT IN MULTIPLE LOCATIONS THURSDAY AND FRIDAY FROM 6:00 P.M. TO 12:00 A.M., SATURDAY FROM 11:00 A.M. TO 3:00 P.M. AND FROM 6:00 P.M. TO 12:00 A.M., SUNDAY FROM 11:00 A.M. TO 3:00 P.M. AND FROM 6:00 P.M. TO 11:30 P.M. AND ON NEW YEARS EVE FROM 6:00 P.M. TO 1:00 A.M.; AND AMPLIFIED OUTDOOR LIVE ENTERTAINMENT IN MULTIPLE LOCATIONS THURSDAY FROM 5:00 P.M. TO 8:30 P.M., FRIDAY AND SATURDAY FROM 11:00 A.M. TO 3:00 P.M. AND FROM 4:00 P.M. TO 10:00 P.M. AND SUNDAY FROM 11:00 A.M. TO 3:00 P.M. AND FROM 4:00 P.M. TO 8:30 P.M. FOR THE RESTAURANT KNOWN AS THE DISTRICT (INCLUSIVE OF THE DISTRICT, THE MINI BAR, THE ALLEY, STAFF ONLY) ON THE PROPERTY OWNED BY VICTORIA SQUARE PROPERTIES, LLC, AND LOCATED AT 1200 CENTRAL AVENUE; MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution for Live Entertainment, Petition 25-LE3 for The District, 1200 Central Avenue.

This being a quasi-judicial proceeding, Notary Public Jessica Rosenberg administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / was familiar with the site, but had not had contact; Barton / was familiar with the site, had met with the petitioner, and had discussions with staff; Christman / was familiar with the site, had reviewed the petition with staff, and met with the petitioner; Kramer / was familiar with the site, and had conversations with staff; Petrunoff / was familiar with the site, had spoken with staff, and had spoken with the petitioner's agent; Hutchison / was familiar with the site, had been a customer at the site, had met with the petitioner on the premises to review the application, had discussions with staff, had received emails related to the matter from residents, and had heard public comments that day related to the subject matter; and Heitmann / was familiar with but had not visited the site, had met with staff, and had spoken to the petitioner.

Planning Director Erica Martin noted that Item 11.E was a companion item to Item 11.D and suggested that both items be heard at the same time. Subsequently, City Attorney McConnell read the title of the Resolution for Outdoor Dining, Petition 25-OD12 for The District, 1200 Central Avenue.

11.E) RESOLUTION 2025-15664 – A RESOLUTION DETERMINING OUTDOOR DINING PETITION 25-OD12 CHANGING A PREVIOUSLY APPROVED OUTDOOR DINING PERMIT (RESOLUTION 2024-15442) PURSUANT TO SECTION 56-126 OF THE CODE OF ORDINANCES TO ALLOW FOR THIRTY-SEVEN (37) TABLES AND TWO HUNDRED AND SIXTY-ONE (261) CHAIRS ON PRIVATE PROPERTY FOR THE RESTAURANT KNOWN AS THE DISTRICT (INCLUSIVE OF THE DISTRICT, THE MINI BAR, THE ALLEY, STAFF ONLY) ON PROPERTY OWNED BY VICTORIA SQUARE PROPERTIES, LLC, AND LOCATED AT 1200 CENTRAL AVENUE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

This being a quasi-judicial proceeding, Notary Public Jessica Rosenberg administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / was familiar with the site, but had not had contact; Barton / was familiar with the site, had met with the petitioner, and had discussions with staff; Christman / was familiar with the site, had visited the site, had met with staff to review the petition,

and met with the petitioner's representative, the operator of the restaurant; Kramer / was familiar with the site and had conversations with staff; Petrunoff / was familiar with the site, had spoken to staff, and spoke with the petitioner's agent; Hutchison / was familiar with the site, had been a customer at the site, had met with the petitioner on the premises to review the application, had received emails related to the matter from residents, and had heard public comments that day related to the subject matter; Heitmann / was familiar with the site, had received correspondence from the community, and had spoken to the petitioner.

Planning Director Erica Martin noted one final amendment, explaining that the petitioner had photographs demonstrating compliance with staff's recommended conditions for the Live Entertainment Resolution. She clarified the photos were not included in the published agenda but could be presented at the meeting. Mayor Heitmann asked if Council objected, and no objections were raised. City Attorney McConnell confirmed the photographs would be entered into the record.

Applicant's representative Mark McLean, Architect at MHK Architecture, utilized an electronic presentation to explain that the request was to incorporate the former Yacht Club Subs location into the complex known as The District and to seek approval for live entertainment and outdoor dining throughout. More specifically, he explained that the petitioner's request is to add three indoor live entertainment locations, maintain two previously approved outdoor locations, and allow up to four performers outdoors on no more than twelve days per year, with all other outdoor days limited to two performers. Architect McLean emphasized that all entertainment would comply with prior sound limits and that doors and windows would remain closed during performances.

Architect McLean stated that no outdoor dining capacity had changed within The Minibar and The Kitchen, but occupancy calculations appeared to increase by 31 seats due to fire code requirements. He explained that the Florida Building Code and National Fire Prevention Association (NFPA) require benches to be counted at 24 inches per person, which raised the occupancy on paper from 10 to 41 without adding new seating. He clarified that the only actual increase in outdoor dining occurred with the removal of Yacht Club Subs.

Architect McLean stated that tables at The Alley were spaced 3.5 feet apart, exceeding the three-foot code requirement, and confirmed the layout met NFPA standards. Deputy Fire Chief Corey Adamski added that the Life Safety Plan had been reviewed and approved, with clearances verified for safe ingress and egress. Architect McLean further clarified that in The District only one of the two live entertainment areas would operate at a time and distinguished that area from the adjacent Alley. In response to Vice Mayor Hutchison, Architect McLean reviewed the operating and live entertainment hours of each entity in The District.

Planning Director Erica Martin reviewed the staff report and explained that staff recommended approval of the live entertainment petition, carrying forward the 15 conditions from the prior resolution and updating them to align with the Land Development Code. She confirmed that the proposed conditions carried forward the RLM Acoustics sound study requirements and City noise ordinance provisions.

Vice Mayor Hutchison asked how outdoor amplification would be managed. In response, Architect McLean explained that a centralized house sound system with control limited to the manager would prevent performers from increasing volume independently. Council Member Penniman asked about outdoor performance areas, and Architect McLean clarified that only one outdoor location would be used at a time. Council Member Barton inquired about instruments, and Planning Director Martin confirmed that staff's recommended conditions prohibit drums, except steel drums, and subwoofers. Planning Director Martin added that soffit speakers along 12th Street would not broadcast live entertainment. Vice Mayor Hutchison asked about monitoring, and Planning Director Martin explained that the petitioner would be required to provide

an ANSI Type II sound meter and calibrator to ensure compliance. Council Member Petrunoff expressed concern about the expanded scope and stated she would not support the petition.

Vice Mayor Hutchison moved approval of Agenda Item 11.D, Live Entertainment Petition 25-L3, with eighteen conditions recommended by staff and the City Attorney. He noted that Conditions 10 and 11 reference code sections related to noise, Conditions 15 and 16 address centralized amplification, and Condition 18 reflects Fire Department requirements tied to combining units under a building permit. City Attorney McConnell clarified that Condition 3 should be amended to specify that no more than twelve outdoor events with four entertainers may occur annually, with the business owner required to submit the dates to the City Manager by October 1 of each year. Following discussion, Council Members agreed to the amendment and proffered the following motion.

MOTION by Hutchison to APPROVE RESOLUTION 2025-15663 (ITEM 11.D) subject to the following amendments: 1) adding Condition 18 to Section 3 as follows “The petitioner shall obtain a building permit, complete the required work, and successfully close out the permit, with all inspections conducted and approved. Failure to obtain the permit, complete the work, and close out the permit shall render the approval of the Life Safety Plan void.” 2) correcting in Section 2 the operating locations and hours pursuant to the Outdoor Dining Operations chart; 3) adding in Section 3 Condition 3: “...Only one outdoor entertainment area will operate at a time. The petitioner will provide these performance dates to the City Manager by October 1st of each calendar year.”; and 4) adding in Section 3 Conditions 10 and 11: “...Amplification shall not cause noise as defined in Section 22-37 of this Code.”. seconded by Christman and carried 6-1, all members present and voting (Hutchison-yes, Penniman-yes, Christman-yes, Barton-yes, Kramer-yes, Petrunoff-no, Heitmann-yes).

Vice Mayor Hutchison confirmed with City Attorney McConnell that Condition 9 referenced Section 56-126(d)(2) of the Code, which sets criteria including signage. Director Martin explained that Condition 8 from the Fire Department required a building permit to combine The District with the former Yacht Club Subs, and that the permit must be completed and closed out before the Life Safety Plan could take effect. Fire Chief Adamski agreed, noting neither outdoor dining nor live entertainment could proceed until the permit was finalized. Council Member Christman asked about service to diners on 12th Street, and Christopher Lee, owner and operator of Team Florida, explained that the outdoor tables would be served using The District's menu, though guests could also request items from The Minibar, with all food prepared in the same kitchen. Planning Director Martin stressed that dining could not begin until required parking improvements were permitted and completed. Vice Mayor Hutchison stated the Resolution carried forward four conditions from Resolution 2024-15448 and added five: continuous kitchen service from 7:00 a.m. until the last venue closes, completion of a site work permit for restriping parking, completion of the building permit for combining units, compliance with the Fire Department's life safety plan, and adherence to Section 56-126(d)(2). City Attorney McConnell added that violations could allow Council to revoke, modify, or terminate approval.

MOTION by Hutchison to APPROVE RESOLUTION 2025-15664 (ITEM 11.E) adding Condition 8 in Section 3: “The petitioner shall obtain a building permit, complete the required work, and successfully close out the permit, with all inspections conducted and approved. Failure to obtain the permit, complete the work, and close out the permit shall render the approval of the Life Safety Plan void.”; and adding Condition 9 in Section 3: “Should any conditions listed in the Resolution, or the criteria set forth in Section 50-126(d)(2), be violated, City Council may revoke, modify, or terminate this approval”. This motion was seconded by Barton and carried 4-3, all members present and voting (Christman-yes, Petrunoff-no, Barton-yes, Kramer-yes, Hutchison-yes, Penniman-no, Heitmann-no).

Attachments for Item 11.D

Agenda Memorandum
Resolution
Resolution 2023-15090 - Live Entertainment (The Kitchen)
Application
Disclosure of Interest - Victoria Square Properties
Disclosure of Interest - TMB Florida LLC
Deed
Aerial
Life Safety Plan - 1200 Central - SUB3
Renderings - Do Not Reflect the Approved Life Safety Plan
Credentials - Planning Department
Public Notice Mailing Addresses
Affidavit of Sign Posting
Petitioner's Presentation
Photographs (ADDED ATTACHMENT / Petitioner)
Outdoor Dining Operations chart (ADDED ATTACHMENT / Petitioner)

Attachments for Item 11.E

Agenda Memorandum
Resolution
Resolution 2024-15442 with Approved Life Safety Plan
Application
Disclosure of Interest
Deed
Survey
Life Safety Plan
Credentials - Petitioner
Credentials - Planning Department
Public Notice Mailing Addresses
Affidavit of Sign Posting
Petitioner's Presentation

Recess: 12:40 p.m. to 1:07 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

11.F) RESOLUTION 2025-15665 – A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 25-LE5 TO ESTABLISH AMPLIFIED INDOOR LIVE ENTERTAINMENT WITH NO MORE THAN TWO ENTERTAINERS WITH DOORS AND WINDOWS CLOSED, FROM 11:30 A.M. TO 10:30 P.M., SUNDAY THROUGH THURSDAY AND FROM 11:30 A.M. TO 11:00 P.M. ON FRIDAY AND SATURDAY, FOR THE RESTAURANT KNOWN AS CAFFE MILANO ON PROPERTY OWNED BY FIFTH AVENUE SOUTH LLC, AND LOCATED AT 800 5TH AVENUE SOUTH; MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution for Live Entertainment Petition 25-L5, a request by Café Milano, located at 800 5th Avenue South, to establish amplified indoor live entertainment with no more than two entertainers.

This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / was familiar with the site, but had not had contact; Barton / was familiar with the site, and had discussions with staff; Christman / was familiar with the site, had reviewed the petition with staff, but had no other contact; Kramer / was familiar with the site and had conversations with staff; Petrunoff / was familiar with the site, had spoken with staff, had dinner at the site the previous evening, and had a conversation with restaurant staff; Hutchison / was familiar with the site, had discussions with staff, but had no other contact; and Heitmann / was familiar with the restaurant, and had spoken with staff regarding the issue.

Architect James Knafo, President of James Knafo Architect Inc., presented on behalf of the petitioner. Utilizing an electronic presentation, he explained that Café Milano seeks approval for its first indoor live entertainment permit, with performances limited to a designated 8 foot by 8 foot alcove near the front entrance. He stated that entertainment would consist of either two live performers or one DJ, that all doors and windows would remain closed except for ingress and egress, and that hours would mirror the restaurant's operations, 11:30 a.m. to 10:30 p.m. Sunday through Thursday, and until 11:00 p.m. on Friday and Saturday. Architect Knafo noted the area includes a shunt-trip circuit to shut off amplification automatically if the fire alarm is activated.

Planner Kim Nudi reviewed the staff report, noting that the Deputy Fire Chief approved the Life Safety Plan. She confirmed that the request met the requirements of Section 56-125, that no correspondence was received from the 368 property owners notified, and that staff recommended approval subject to conditions: (1) entertainment limited to a maximum of two indoor performers with doors and windows closed; (2) compliance with the City's noise ordinance (§22-37); and (3) City Council review of the permit approximately six months after approval, with authority to revoke or impose additional conditions.

City Attorney McConnell asked clarifying questions regarding equipment use, and Architect Knafo confirmed compliance with permanent sound system requirements.

Public Comments: None

MOTION by Petrunoff to APPROVE RESOLUTION 2025-15665; seconded by Penniman and unanimously carried, all members present and voting (Penniman-yes, Hutchison-yes, Petrunoff-yes, Barton-yes, Christman-yes, Kramer-yes, Heitmann-yes).

[Agenda Memorandum](#) 

[Resolution](#) 

[Application](#) 

[Disclosure of Interest - Business Owner](#) 

[Architectural Plans - Approved Life Safety Plan](#) 

[Credentials - Petitioner](#) 

[Credentials - Staff](#) 

[Public Notice Mailing Addresses](#) 

[Affidavit of Sign Posting](#) 

[Petitioner's Presentation](#) 

11.G) RESOLUTION 2025-15666 – A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 25-LE6 TO ESTABLISH AMPLIFIED INDOOR AND OUTDOOR LIVE ENTERTAINMENT WITH NO MORE THAN TWO ENTERTAINERS, PLAYING INDOORS WITH DOORS AND WINDOWS CLOSED, FROM 3:00 P.M. TO 9:00 P.M., MONDAY THROUGH SATURDAY AND FROM 11:00 A.M. TO 2:00 P.M., ON SUNDAY, FOR THE RESTAURANT KNOWN AS BICE ON PROPERTY OWNED BY M-P REALTY, LLC, AND LOCATED AT 300 5TH AVENUE SOUTH; MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the resolution for Live Entertainment Petition 25-LE6, for BICE Restaurante, 300 5th Avenue South. This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / had not had contact; Barton / was familiar with the site, but had not had contact; Christman / was familiar with the site, had spoken with staff regarding the petition, but had no other contact; Kramer / was familiar with the site, and had conversations with staff; Petrunoff / was familiar with the site, had spoken with staff, and made follow-up calls to individuals who had expressed concerns in mailed correspondence; Hutchison / was familiar with the site, had been a customer of the business, had discussions with staff, had received emails, but had no other contact; and Heitmann / was familiar with the restaurant, had spoken with staff regarding the issue, and had received emails.

Architect James Knafo, President of James Knafo Architect Inc., presented on behalf of the petitioner. Utilizing an electronic presentation, he reviewed a request for approval for amplified live entertainment both indoors and outdoors, never simultaneous, with up to two performers or a DJ. He proposed hours of Monday through Saturday 3:00 p.m. to 9:00 p.m. and Sunday 11:00 a.m. to 2:00 p.m. He noted the inclusion of shunt-trip circuits for fire safety and emphasized the restaurant's 13-year history of compliance. BICE General Manager Marina Novikova said outdoor speakers would face inward, and the demand for live entertainment was driven by brunch patrons.

Planner Kim Nudi confirmed prior approvals for the location from 2012 included outdoor live entertainment on Monday, Tuesday, and Thursday from 4:00 p.m. to 6:00 p.m., and indoor live entertainment 5:00 p.m. to 11:30 p.m., nightly. She noted 647 notices were sent, with mixed responses. She stated that staff recommended approval with five conditions: 1) limit to two performers with doors/windows closed indoors; 2) compliance with noise code §22-37; 3) six-month City Council review; 4) permanent, manager-controlled amplification oriented towards the property; and 5) no outside sound equipment, with specs submitted to City staff.

Council Member Christman expressed support for indoor entertainment, but not expanded outdoor hours, citing concerns related to neighborhood noise. Council Member Kramer supported the petitioner's request, noting it was necessary for the restaurant to remain competitive with nearby establishments that already offer live entertainment. Vice Mayor Hutchison expressed opposition based on concerns related to the speaker orientation. Council Member Petrunoff expressed opposition to the outdoor entertainment request due to the restaurant's proximity to residential areas, while Council Member Penniman cited the substantial opposition emails as her reason to oppose the request.

In response to Architect Knafo, City Attorney McConnell advised that existing outdoor rights could not be revoked at that time, but City Council could approve indoor modifications while leaving outdoor unchanged.

MOTION by Christman to APPROVE RESOLUTION 2025-15666 subject to the following: 1) indoor amplified live entertainment will be Monday through Saturday from 5:00 p.m. until 11:00 p.m. and Sunday from 3:00 p.m. until 9:00 p.m.; and 2) adding in Section 1 "Outdoor amplified live entertainment will remain as currently approved on Monday, Tuesday, and Thursday from 4:00 p.m. until 6:00 p.m." and 3) staff's five conditions set forth in the draft Resolution; seconded by Hutchison and carried 6-1, all members present and voting (Petrunoff-yes, Hutchison-yes, Christman-yes, Barton-yes, Kramer-yes, Penniman-yes, Heitmann-no).

[Agenda Memorandum](#) 
[Resolution](#) 
[Application](#) 
[Disclosure of Interest](#) 

[Architectural Plans - Life Safety Plan](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Correspondence](#)

[Petitioner's Presentation](#)

11.H) Resolution 2025-15667 – A Resolution Determining Outdoor Dining Petition 25-OD11 Changing a Previously Approved Outdoor Dining Petition (Resolution 2024-15499) Pursuant to Section 56-126 of the Code of Ordinances To Include Twenty-Two (22) Tables And Forty-Eight (48) Chairs for the Restaurant Known As Blackbird Modern Asian on Private Property Owned by Naples Bay Properties, LLC and Located Within the Naples Bay Resort At 1500 5th Avenue South, Suite A2-112 More Fully Described Herein; Providing for Scrivener's Error; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the Resolution determining Outdoor Dining Petition 25-ODP1, amending previously approved Resolution 2024-15499, to allow an increase in outdoor dining for the restaurant known as Blackbird Modern Asian. The request included 22 tables and 48 chairs within the existing 1,452 square foot outdoor dining area, located at 1500 5th Avenue South, Suite A2-112, on private property owned by Naples Bay Properties, LLC within the Naples Bay Resort.

This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman, Barton, and Petrunoff / were familiar with the site, but had not had contact; Christman / was familiar with the site and had conversations with staff; Kramer / was familiar with the site and had conversations with staff; Hutchison / was familiar with the site, had been a customer of the business, had discussions with staff, but had no other contact; and Heitmann / was familiar with the site, had discussions with staff, but had not had contact.

Architect Mark McLean from MHK Architecture, representing the petitioner, explained that the restaurant had replaced the former Bonefish Grill and had experienced significant success with its outdoor dining. He utilized an electronic presentation to review the request to add four additional tables and ten additional chairs within the existing outdoor dining footprint, bringing the total to 22 tables and 48 chairs. He further explained that four ceiling-mounted fans were proposed to address air circulation and confirmed that all life safety requirements, including egress and table spacing, had been reviewed and approved by the Fire Department.

Planner II Jeff Brammer reviewed the staff report, noting that the footprint remained unchanged at 1,452 square feet and that parking would not be affected because it is calculated by square footage rather than the number of seats. He noted that the request had been reviewed by all City departments with no reported issues and that notices had been mailed to property owners within 1,000 feet of the subject property, with no public correspondence received. Planner Brammer recommended approval with the condition that outdoor dining be limited to 1,452 square feet with a maximum of 22 tables and 48 chairs configured as shown in the approved life safety plan, and that any future expansion, modification, or enhancement would require City Council review and approval.

Public Comment : None

MOTION by Hutchison to APPROVE RESOLUTION 2025-15667; seconded by Petrunoff and unanimously carried, all members present and voting (Barton-yes, Penniman-yes, Christman-yes, Petrunoff-yes, Kramer-yes, Hutchison-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

[Resolution - Existing Approval 2024](#)

[Application](#)

[Disclosure of Interest - Property Owner](#)

[Disclosure of Interest - Business Owner](#)

[Warranty Deed](#)

[Aerial](#)

[Architectural Plans](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

11.I) RESOLUTION 2025-15668 – A RESOLUTION DETERMINING OUTDOOR DINING PETITION 25-OD13 ESTABLISHING OUTDOOR DINING TO INCLUDE TWENTY-FIVE TABLES AND ONE HUNDRED AND EIGHT CHAIRS FOR THE RESTAURANT KNOWN AS HEYDAY COOKSHOP ON PRIVATE PROPERTY OWNED BY NEW MARKET - NEAPOLITAN, LLC, AND LOCATED AT 4691 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AND EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution determining Outdoor Dining Petition 25-ODP13 to establish outdoor dining for the restaurant known as Heyday Cook Shop, located at 4691 9th Street North on private property owned by Newmarket Neapolitan, LLC.

This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / was familiar with the site, drove by and walked around the site, but had not had contact; Barton / was familiar with the site; Christman / was familiar with the site, had conversations with staff; but had no other contact; Kramer / was familiar with the site, and talked to staff; Petrunoff / was familiar with the site, but had not had contact; Hutchison / was familiar with the site, but had no other contact with the petitioner or the petitioner's agent; and Heitmann / was familiar with the site, but had not had contact.

Architect Mark McLean from MHK Architecture, representing the petitioner, presented the request for outdoor dining on behalf of the Heyday Cook Shop. He utilized an electronic presentation to show that the restaurant would occupy the former Ziggy D'Amico's location at the Neapolitan Way Shopping Center and that the request included 25 tables, 108 chairs, and 8 umbrellas on private property. He clarified that the covered outdoor dining area appeared not to have been included in prior Resolutions, though it had historically been used for outdoor dining, and noted that the Fire Department had reviewed and approved the Life Safety Plan, confirming that egress and clearance paths complied with applicable codes. He added that the owners planned a bright and vibrant concept and requested Council's approval.

Planner Kim Nudi summarized the petition, noting that the prior tenant, Ziggy D'Amico's, had previously received approval for live entertainment and outdoor dining at the same location with the same configuration of 25 tables and 108 chairs. She stated that the current petition was consistent with the Land Development Code and included both the covered and uncovered patio areas. She confirmed that the Deputy Fire Chief had approved the Life Safety plan on July 18, 2025, that 534 notices were mailed to property owners within 1,000 feet, and that no public correspondence had been received. She recommended approval subject to the condition that the outdoor dining area be limited to 2,135 square feet with a maximum of 25 tables, 108 chairs, and 8 umbrellas configured as shown in the approved Life Safety Plan, with any future

modifications requiring City Council approval. She also noted that any proposed live entertainment would require a separate petition and approval.

Deputy Fire Chief Corey Adamski provided clarification regarding clearance requirements, explaining that a minimum 44-inch egress path is required under the Florida Fire Prevention Code, along with 19 inches of clearance for chairs abutting egress paths, and that these requirements apply to both public and private property.

MOTION by Kramer to APPROVE RESOLUTION 2025-15668; seconded by Petrunoff and unanimously carried, all members present and voting (Hutchison-yes, Penniman-yes, Christman-yes, Barton-yes, Kramer-yes, Petrunoff-yes, Heitmann-yes).

[Agenda Memorandum](#) 

[Resolution](#) 

[Application](#) 

[Disclosure of Interest](#) 

[Architectural Plans](#) 

[Parking Needs Analysis](#) 

[Civil Plan](#) 

[Credentials - Petitioner](#) 

[Credentials - Staff](#) 

[Public Notice Mailing Addresses](#) 

[Affidavit of Sign Posting](#) 

[Petitioner's Presentation](#) 

11.J) RESOLUTION 2025-15669 – A RESOLUTION DETERMINING OUTDOOR DINING PETITION 25-OD14 ESTABLISHING OUTDOOR DINING TO INCLUDE FOUR (4) TABLES AND EIGHTEEN (18) CHAIRS FOR THE RESTAURANT KNOWN AS BAD ASS COFFEE ON PRIVATE PROPERTY OWNED BY WSR-1075, LLC, AND LOCATED AT 1103 CENTRAL AVENUE, MORE FULLY DESCRIBED HEREIN; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution determining Outdoor Dining Petition 25-ODP14 to establish outdoor dining for the restaurant known as Bad Ass Coffee, located at 1103 Central Avenue on property owned by WSR 1075, LLC.

This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman, Barton, and Hutchison / were familiar with the site, but had not had contact; Christman / was familiar with the site, had spoken with staff about the project, but had no other contact; Kramer / was familiar with the site under its former occupant, Narrative Coffee Roasters, and had spoken to staff about the petition; Petrunoff / was familiar with the site, had spoken with staff regarding the petition, and had spoken with whom she thought was the owner at the Charlestown location; and Heitmann / was familiar with the site, had spoken with staff, but had no other contact.

Architect Mark McLean from MHK Architecture, representing the petitioner, presented the request and explained that the layout mirrored the previously approved outdoor dining configuration for Narrative Coffee Roasters, which had occupied the same space. He stated that the application was essentially a rebranding of the site as Bad Ass Coffee and confirmed that the proposal included four tables, 18 chairs, one bench, and 11 planters within the same 462 square foot footprint. He added that the Fire Department had reviewed and approved the Life Safety Plan and that the layout provided adequate egress from the building and outdoor dining area.

Planner Kim Nudi summarized the petition, noting that Bad Ass Coffee is a Hawaiian coffee shop with two existing locations in the City and that this additional location would replace the former

Narrative Coffee Roasters. She stated that the request was identical to the previously approved outdoor dining petition for Narrative Coffee, and that the restaurant would be open daily from 6:00 a.m. to 5:00 p.m. She reported that the Deputy Fire Chief had approved the Life Safety Plan, that Code Enforcement had found no violations, and that 540 notices had been mailed to property owners within 1,000 feet of the property, with no correspondence received. She recommended approval subject to the conditions that the outdoor dining be limited to 462 square feet with the specified configuration of tables, chairs, bench, and planters as shown in the approved Life Safety Plan, that any future modifications require City Council approval, and that any proposed live entertainment be subject to separate City Council review and approval.

Public Comments: None.

MOTION by Christman to APPROVE RESOLUTION 2025-15669; seconded by Petrunoff and unanimously carried, all members present and voting (Penniman-yes, Kramer-yes, Hutchison-yes, Christman-yes, Barton-yes, Petrunoff-yes, Heitmann-yes).

[Agenda Memorandum](#)

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[Disclosure of Interest - Property Owner](#)

[Disclosure of Interest - Business Owner](#)

[Architectural Plans - Life Safety Plan](#)

[Survey](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

12. OLD BUSINESS – None.

13. NEW BUSINESS

13.A) RESOLUTION 2025-15670 – A RESOLUTION REESTABLISHING THE "BLUE RIBBON" COMMITTEE; APPOINTING SEVEN RESIDENTS TO THE COMMITTEE FOR THE PURPOSE OF STUDYING AND MAKING RECOMMENDATIONS TO CITY COUNCIL ON THE LEVEL OF EMPLOYMENT COMPENSATION AND BENEFITS FOR THE MAYOR AND COUNCIL MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution to reestablish the Blue Ribbon Committee and appoint seven residents to the committee for the purpose of studying and making recommendations to City Council on the level of employment, compensation, and benefits for the Mayor and Council Members.

City Clerk Patricia Rambok explained that the City Charter requires an independent Blue Ribbon Committee, consisting of seven Naples residents, be appointed at least once every four years for this purpose. The last appointment, she noted, occurred on August 18, 2021, in advance of the 2022 General Election. She explained that each Council Member is given the opportunity to appoint one resident, and with the next general election scheduled for February 3, 2026, the Charter requires recommendations be presented to City Council no later than 90 days prior to the next election, or by November 3, 2025, and will be scheduled for the October 15, 2025 regular meeting.

Council Members then announced their appointments to the committee. Council Member Kramer appointed Karen Hanlon; Council Member Petrunoff appointed Maarten Heybroek; Vice Mayor Hutchison appointed Lois Selfon; Council Member Christman appointed Stan Karpf, Council Member Barton appointed Mike Assaad; Council Member Penniman appointed Joseph Burke; and Mayor Heitmann appointed Peter Gough.

MOTION by Hutchison to APPROVE RESOLUTION 2025-15670 and appointing Peter Gough, Lois Selfon, Mike Assaad, Stan Karpf, Karen Hanlon, Joseph Burke, and Maarten Heybroek to the Blue Ribbon Committee; seconded by Christman and unanimously carried, all members present and voting (Petrunoff-yes, Kramer-yes, Hutchison-yes, Penniman-yes, Christman-yes, Barton-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

13.B) RESOLUTION 2025-15671 – A RESOLUTION FOR THE PURPOSE OF ADOPTING AN ANNUAL SPECIAL ASSESSMENT ROLL FOR THE FIFTH AVENUE SOUTH BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2025-26; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; DIRECTING THE CITY CLERK TO RECORD THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution. Finance Director Stefan Massol explained that the City Council is being asked to approve the annual special assessment for the Fifth Avenue South Business Improvement District (FASBID) for the 2025–26 fiscal year. He explained that this marked year 16 of the 20-year District, which had originally been approved for 10 years and subsequently extended for an additional 10 years. He said the requested assessment rate of 1.72 mills was based on rising taxable values within the District and represented the maximum levy permitted under the original assessment Resolution, which caps revenues at \$800,000. The requested rate would generate approximately \$798,242, he noted. Director Massol stated that the FASBID had requested a reduction from the prior year's 1.78 mills, and that City Council approval was required for the annual assessment.

City Manager Gary Young clarified that the assessment process is consistent with the originating Resolutions and that annual reports and audited financial statements are presented separately by the FASBID. FABID Executive Director Meg Stepanian addressed the City Council and confirmed that the organization was comfortable with the reduced rate and would continue its promotional activities, noting the success of recent programs such as Flavors of Fifth and ongoing digital marketing campaigns. She reported that the FASBID had secured a \$20,000 grant from the Convention and Visitors Bureau to support targeted marketing efforts and was working with community partners to offset costs. She acknowledged challenges from national spending trends and reduced European travel but stated that efforts remain focused on promoting the Avenue, particularly during off-season months.

Council Member Christman observed that the taxable value of the FASBID area had more than doubled since 2018 and tripled since 2011, underscoring its importance to the City's tax base and the Community Redevelopment Agency. He commended property owners for their contributions to the City's economic vitality.

MOTION by Kramer to APPROVE RESOLUTION 2025-15671; seconded by Petrunoff and unanimously carried, all members present and voting (Kramer-yes, Christman-yes, Petrunoff-yes, Barton-yes, Hutchison-yes, Penniman-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

[FASBID Written Request of 25-26 Rate](#)

13.C) Resolution 2025-15672 - A RESOLUTION for the Purpose of Approving the Fiscal Year 2025-26 Non-Ad Valorem Assessment Roll for the Bembury Assessment Area Located within the City's Utility Service Area; Directing Certification of the Assessment Roll to the Collier County Tax Collector; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the Resolution, approving the Fiscal Year 2025–26 non-ad valorem assessment roll for the Bembury Assessment Area, located within the City's

Utility Service Area, and directing certification of the assessment roll to the Collier County Tax Collector.

Finance Director Stefan Massol explained that the Bembury Assessment was originally adopted in 2014 under Resolution 14-13485 to fund wastewater improvements in the Bembury Service Area. The project established an assessment of \$21,982 for construction and \$2,394 for capacity costs, later recalculated to \$15,708 for construction and \$2,394 for capacity, for a total of \$18,102. He noted that property owners were given the option of prepaying the assessment or having it levied on the tax roll over a 20-year period.

Finance Director Massol reported that for the current year, 23 accounts remain subject to the assessment. He said the total amount due for Fiscal Year 2025–26 is \$18,330.44, with varying amounts per parcel based on annual payments, amortized interest, and collection costs.

MOTION by Christman to APPROVE RESOLUTION 2025-15672; seconded by Barton and unanimously carried, all members present and voting (Kramer-yes, Barton-yes, Penniman-yes, Hutchison-yes, Petrunoff-yes, Christman-yes, Heitmann-yes).

[Agenda Memorandum](#) 

[Resolution](#) 

13.D) RESOLUTION 2025-15673 – A RESOLUTION FOR THE PURPOSE OF APPROVING THE FISCAL YEAR 2025-26 NON-AD VALOREM ASSESSMENT ROLL FOR THE GULF ACRES/ROSEMARY HEIGHTS ASSESSMENT AREA LOCATED WITHIN THE CITY'S UTILITY SERVICE AREA; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE COLLIER COUNTY TAX COLLECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution, approving the Fiscal Year 2025–26 non-ad valorem assessment roll for the Gulf Acres–Rosemary Heights Assessment Area, located within the City's Utility Service Area, and directing certification of the assessment roll to the Collier County Tax Collector.

Finance Director Stefan Massol explained that this assessment was originally adopted on October 17, 2018, under Resolution 18-14223, to fund wastewater improvements within the Gulf Acres–Rosemary Heights Service Area. He noted that the project established an assessment of \$10,976 for construction and \$2,324 for capacity costs, for a total of \$13,300 per parcel. He said property owners were given the option of prepaying the assessment or having it levied annually on the tax roll over a 20-year period with interest and fees applied.

Finance Director Massol reported that for Fiscal Year 2025–26, there are 231 accounts remaining in the assessment area. The total amount due for the year is \$139,870.05, reflecting the required annual payments, amortized interest, and collection costs.

MOTION by Christman to APPROVE RESOLUTION 2025-15673; seconded by Barton and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Petrunoff-yes, Penniman-yes, Kramer-yes, Heitmann-yes).

[Agenda Memorandum](#) 

[Resolution](#) 

13.E) RESOLUTION 2025-15674 – A RESOLUTION FOR THE PURPOSE OF APPROVING THE FISCAL YEAR 2025-26 NON-AD VALOREM ASSESSMENT ROLL FOR THE CURLEW CANAL ASSESSMENT AREA; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE COLLIER COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution, approving the Fiscal Year 2025–26 non-ad valorem assessment roll for the Curlew Canal Assessment Area and directing certification of the assessment roll to the Collier County Tax Collector.

Finance Director Stefan Massol explained that the Curlew Canal Assessment was established on February 16, 2022, through Resolution 2022-14799, to fund dredging activities within the Curlew Canal Assessment Area. He reported that the contract cost for the project totaled \$172,000, with the final net assessment amount not-to-exceed \$170,413.52. He said the District originally included 27 parcels, with 26 accounts remaining on the assessment roll for Fiscal Year 2025–26. He added that the total levy for the year is \$14,783.60, representing the third of ten annual assessments approved under the Resolution. In response to Mayor Heitmann, City Manager Gary Young confirmed that dredging had not yet been completed for the area.

MOTION by Kramer to APPROVE RESOLUTION 2025-15674; seconded by Christman and unanimously carried, all members present and voting (Hutchison-yes, Penniman-yes, Christman-yes, Barton-yes, Kramer-yes, Petrunoff-yes, Heitmann-yes).

[Agenda Memorandum](#) 

[Resolution](#) 

13.F) RESOLUTION 2025-15675 – A RESOLUTION FOR THE PURPOSE OF APPROVING THE FISCAL YEAR 2025-26 NON-AD VALOREM ASSESSMENT ROLL FOR THE SEAGATE UNDERGROUNDING ASSESSMENT AREA; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE COLLIER COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the title of the Resolution, approving the Fiscal Year 2025–26 non-ad valorem assessment roll for the Seagate Undergrounding Assessment Area and directing certification of the assessment roll to the Collier County Tax Collector.

Finance Director Stefan Massol explained that the Seagate assessment was originally established on December 15, 2021, to fund the undergrounding of certain electric and low voltage wiring within the assessment area. He stated that the District is comprised of condominium complexes within Naples Cay. He noted that the Resolution created two benefit areas based on side-street improvements, with assessments calculated separately for each area.

Finance Director Massol reported that in Benefit Area One, the total assessment was \$2,034.29, which annualized to \$362.82 per parcel, and that in Benefit Area Two, the total assessment was \$4,196.16, which annualized to \$718.62 per parcel. He stated that for Fiscal Year 2025–26, the 134 accounts in Benefit Area One owed a total of \$31,997.86, while the 39 accounts in Benefit Area Two owed \$9,897.03. He concluded that the total amount due for all accounts in Fiscal Year 2025–26 was \$41,894.89, with detailed assessments included in the Resolution.

MOTION by Christman to APPROVE RESOLUTION 2025-15675; seconded by Hutchison and unanimously carried, all members present and voting (Penniman-yes, Kramer-yes, Hutchison-yes, Christman-yes, Barton-yes, Petrunoff-yes, Heitmann-yes).

Mayor Heitmann requested that the record reflect no public comments were received on Items 13.B, 13.C, 13.D, 13.E, or 13.F.

[Agenda Memorandum](#) 

[Resolution](#) 

Recess: 12:57 p.m. to 3:09 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

13.H) DISCUSSION OF THE 2026 STATE LEGISLATIVE PRIORITIES AND UPDATE ON THE 2025 LEGISLATIVE ACTIONS.

City Manager Gary Young opened by stating that the purpose of the discussion was to set the City's 2026 legislative priorities, balance appropriations requests with recent preemptions, and maintain a cooperative posture with State partners.

Monique Barnhart-Tiberio, Communications and Public Outreach Manager, reported that the 2026 Session begins in January, with committee weeks starting in October and the Collier County Delegation meeting set for September 15, 2025. She then outlined four proposed appropriations

requests: Raw Water Production Well replacement at \$5 million with a \$2.5 million state request, Basin 4 stormwater and critical infrastructure improvements at \$60 million over 4 to 8 years with a \$24.15 million request, Cove Master Pump Station improvements at \$18 million over four years with a \$9 million request, and River Park stormwater and critical infrastructure with a \$6 million request.

Council Member Christman supported prioritizing tangible infrastructure projects but cautioned that the proposed requests were too high, recommending tiered prioritization, with more realistic amounts in the \$1 million to \$5 million range, and no more than \$10 million for the largest single project. In response, City Manager Young agreed to reframe large requests as design-phase asks, tie the Cove Master Pump improvements to Basin 4 planning, and maintain the existing River Park infrastructure while continuing to define the project's future needs. In response to Vice Mayor Hutchison, City Manager Young said the requests are not planned to rely on ad valorem revenues. City Manager Young added that staff will prepare property tax reliance talking points for legislators and will return with a pared-down, design-oriented package before the September 3, 2025 Regular City Council meeting.

Council Member Christman provided statewide context, noting that \$560 million in special appropriations were funded statewide in the last session, with \$87 million awarded in Southwest Florida, \$12 million in Collier County, and \$5 million in Naples. He stated that the City should be aggressive but not greedy with its requests. In response, City Manager Young suggested that the Raw Water Well request could be removed, if needed, since the water fund is healthier than the stormwater fund, while promising to circulate precise figures for City Council review before decisions are made.

Council Member Kramer urged early direct outreach to State Senator Kathleen Passidomo and Naples Lobbyist Lisa Hurley to gauge viability. Manager Barnhart-Tiberio acknowledged ongoing work with Lobbyist Hurley while Council Members agreed that direct communication with legislators should be strengthened. City Manager Young stated that the City Council could choose whether to retain or omit the Raw Water Well request. Vice Mayor Hutchison requested confirmation that staff will deliver refined project requests along with a clear analysis of how property taxes support essential services. In response, City Manager Young confirmed that the information will be provided.

Council Member Petrunoff asked whether there was a separate strategy for pursuing federal dollars. In response, City Manager Young responded that most federal resiliency funds have been depleted, with approximately 90 percent no longer available. He explained that, based on discussions at the recent resiliency seminar attended by Council Member Christman, the State does not provide significant resiliency funding outside of the U.S. Army Corps of Engineers. City Manager Young stated that given the status of Army Corps funding, resiliency dollars are not readily accessible. He added that the City is not finished exploring opportunities and will continue to reengage federal and state partners.

Council Member Christman indicated that the legislative and administrative support section should highlight two primary positions: protecting essential municipal revenues in any property tax reform and addressing the impacts of Senate Bill 180 (SB 180) in clear but constructive language.

Council Member Kramer and Council Member Christman emphasized that any potential litigation regarding Senate Bill 180 should be paired with proactive engagement of the local delegation. Mayor Heitmann concluded the discussion by directing the meeting to proceed to the City Attorney's overview, with staff returning the legislative priorities in resolution form at the September 3, 2025 Regular City Council meeting.

City Attorney Matthew McConnell said the legislative update flowed naturally from the prior conversation and explained that City Council might wish to add SB 180 to its list of legislative priorities. He said several legislators have since admitted that the restrictive language was added late in the process and that they voted without fully realizing its scope. He added that there may be appetite for repeal though he cautioned that the process by which the bill passed unanimously was troubling.

City Attorney McConnell said many recently adopted bills are essentially informational for staff, while a few directly affect City Council action. He said one bill preempts synthetic turf regulation, shortens the time the City must approve or deny construction change orders, prohibits staff from considering a contractor's workload with other governments, and authorizes virtual inspections for certain single-trade permits such as solar and HVAC.

In response to Mayor Heitmann, Steve Beckman, Director of Building Services, said single-trade permits cover only one discipline and explained that generators are multi-trade projects involving gas, electrical, and structural components, which makes them ineligible for virtual inspections under the new Statute.

City Attorney McConnell said Senate Bill 462 (SB 462) expands local authority over micromobility by broadening definitions, allowing the City to require driver's licenses and helmets, and authorizing the establishment of special slow-speed zones when streets are flooded. He said the bill also permits the use of off-highway vehicles to remove rental equipment from beaches after storms. He added that another bill enables collaboration with school boards on emergency opioid antagonist medications and related safety measures, though its local impact appears minimal.

City Attorney McConnell said Senate Bill 784 (SB 784) changes how plats and subdivisions are processed, requiring them to be approved administratively by a designated City employee rather than through a public hearing. Mayor Heitmann asked whether City Council still has the authority to review replats. City Attorney McConnell explained that the Statute prohibits plat hearings by either the City Council or the Planning Advisory Board, but the existing criteria in the City's Code remain in effect. He stated that staff will present a Resolution on September 3, 2025, to designate an administrative official responsible for reviewing and processing pending applications. Mayor Heitmann expressed concern about the potential impact of the new Statute on Naples. She said that Port Royal contains very large lots, which are a primary reason the neighborhood holds the highest property values in the City due to the amount of land and privacy they provide. She cautioned that if property owners begin dividing lots, it would inevitably lower property values. She further explained that cutting a Gulf-front lot in half would increase density and diminish overall value.

City Attorney McConnell said Senate Bill 954 (SB 954) requires the City to adopt an ordinance by January 2026 establishing procedures and reasonable accommodation provisions for certified recovery residences, commonly known as sober living homes. He said another bill modifies fire-prevention permitting by streamlining approvals for minor alarm and sprinkler projects, and imposes refund penalties if deadlines are missed. He added that House Bill 913 (HB 913) requires municipalities to adopt an ordinance ensuring milestone inspections for condominiums and cooperatives are completed and repairs begun within 365 days after a Phase II inspection, with an October 1, 2025 deadline.

City Attorney McConnell said Senate Bill 1080 (SB 1080) modifies permit processing timelines by requiring staff responses within 30 days while retaining the broader 120 and 180-day approval windows. He said the Statute creates escalating fee refunds up to 100 percent for missed deadlines, which could have budgetary implications. He also said SB 1080 pressures cities to revisit and potentially adjust impact fees annually rather than deferring increases for several years. He explained that SB 1080, together with further amendments to the Live Local Act, require

Naples to report approvals and lawsuits to the state and to adjust parking requirements, which warrants proactive preparation even though no applications have yet been filed.

City Attorney McConnell said SB 180 is the most significant change, requiring the City to maintain a post-storm permitting plan. Mayor Heitmann asked Building Director Beckman whether such a plan was already in place. He confirmed that the City had an emergency permitting process that was used following Hurricane Ian, but said additional administrative work was needed to formally publish and post it. He added that updates would also be made to ensure the plan was current and officially recognized.

City Attorney McConnell stated that SB 180 prohibits increases in permitting or inspection fees for 180 days after a state of emergency and eliminates impact fees on replacement structures. He also said the bill adds requirements for debris-management contracts and permanently bars cumulative floodplain “lookback” provisions, which the City has already removed. He explained that Section 18 prohibits any moratoria or new restrictions on development for one year if a community is “wholly or partially” within 100 miles of a hurricane, a vague and undefined standard. He added that Section 28 goes further, imposing a statewide ban, retroactive to August 2024 and lasting until October 1, 2027, on jurisdictions listed in recent hurricane declarations, which effectively covers every county in Florida. He warned that when combined with SB 250, these provisions could restrict Naples’ zoning and land-use authority for nearly five years.

Mayor Heitmann said the State’s preemptions amount to an egregious taking of home rule authority and urged that residents be educated and mobilized to defend local control. In response to Council Member Penniman, City Attorney McConnell explained that to his knowledge, there has never been a successful legal challenge to SB 250. He said prior cases were either settled or resolved by agreement, leaving no judicial ruling to clarify the meaning of terms such as “burdensome” and “restrictive.” He noted that without judicial oversight or state definitions, local governments have been left to interpret the law as best they can. He further explained that SB 250 applied only to ten counties, while SB 180 applies statewide, which he said is causing greater uncertainty. He added that because Naples was one of the ten counties covered by SB 250, the City was directly affected, while others largely ignored the issue at the time.

Vice Mayor Hutchison commented that SB 180 reflects a broader effort by the state legislature to expand its control and expressed concern that it could limit the City’s ability to effectively manage its finances. City Manager Young recommended prioritizing property tax issues, SB 180, the role and benefits of the CRA, stormwater management and recovery, and protecting home rule. He said these five items should be emphasized in the legislative agenda rather than covering too many topics. He added that while affordable housing and property insurance are important, requests relating to these issues might not prove effective, and suggested focusing on the core priorities for clarity and impact.

Council Member Kramer suggested direct engagement between the City Council and the Delegation and proposed inviting the legislators to Naples for a workshop for an honest conversation about local impacts.

Vice Mayor Hutchison warned that after mid-November the City Council will have about 120 days to influence property tax changes that could affect funding for police, fire, and City staff. He asked the City Council to direct City Manager Young to calculate homestead exemption revenues and model impacts, if expanded, so the City Council can explain consequences to the community. He stressed that preparation is vital since once a ballot initiative is filed, City Council cannot speak against it. City Manager Young said staff would prepare property tax revenue scenarios and talking points in response to SB 180 so the City Council could clearly communicate the consequences to residents. Mayor Heitmann added that despite past disappointments, the situation strengthens her resolve to advocate more forcefully. She stated that historically the City

has advocated locally, but broader state actions now require stronger advocacy. She urged Manager Barnhart-Tiberio to coordinate with Naples Lobbyist Hurley for Tallahassee committee meeting dates so Council can speak with a unified voice. Mayor Heitmann stressed that honest, open, and transparent communication is needed, and that letters or one-on-one efforts are not enough. She encouraged Council Members to fight for home rule by engaging directly with Tallahassee, either with the League of Cities or as a City, and concluded that despite disappointment, advocacy must be strengthened immediately.

[2026 Legislative Priorities Agenda Memorandum](#) 

[City Attorney Legislative Memorandum](#) 

13.G) (CONTINUED) - A RESOLUTION OF THE CITY COUNCIL OF NAPLES, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING, AMONG OTHER THINGS, TO DECLARE THAT SENATE BILL 180'S IMPOSITION OF A BLANKET STATEWIDE PROHIBITION ON THE EXERCISE OF HOME RULE AUTHORITY OVER LAND USE AND ZONING REGULATIONS, IS UNCONSTITUTIONAL AND SHOULD BE ENJOINED, RETAINING WEISS SEROTA HELFMAN COLE + BIERMAN, PL TO PROSECUTE THE LAWSUIT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Matther McConnell read the title of the Resolution authorizing participation in litigation challenging Senate Bill 180 (SB 180) as unconstitutional. The proposed Resolution would retain Weiss Serota Helfman Cole and Bierman, P.L. to represent the City at a flat fee of \$10,000 at trial, with a \$5,000 fee for appeal and possible Supreme Court review, if needed. The action is contingent on participation by at least ten local governments, he added.

City Attorney McConnell noted that six municipalities had adopted similar resolutions, with more considering action. Council Member Kramer asked if litigation would clarify definitions such as “burdensome” and “restrictive.” City Attorney McConnell responded that while courts could enjoin enforcement, statutory definitions might ultimately require legislative revision. Council Member Kramer expressed support, emphasizing the need for clarity.

Vice Mayor Hutchison voiced strong support, likening the effort to knowing penalties in sports and stressing the importance of rules. Council Member Petrunoff expressed support for the Resolution, recalling past attempts to clarify Senate Bill 250 (SB 250) that failed, and urging outreach to other cities and Collier County.

Council Member Christman raised questions about the true cost and whom the City would be suing. City Attorney McConnell explained the matter would proceed as a declaratory judgment action, but acknowledged details such as the specific agency to be served had not been finalized. Council Member Christman stressed the importance of trust in counsel and requested further assurances from the City Attorney before final approval.

Council Member Petrunoff asked whether an executive session could be held. City Attorney McConnell explained such sessions were only permissible once the City became a named party. He offered to obtain additional details confidentially and report back.

Council Members expressed support in participation in the lawsuit but asked for more information before acting. The following consensus was then offered.

Consensus reached to Continue Item 13.G until the September 3, 2025 City Council Regular Meeting.

Council Members discussed the Florida League of Cities' role. Council Member Penniman noted the League has about 411 members and questioned why it has not been more aggressive on issues such as SB 180. Mayor Heitmann emphasized that Naples pays dues and has the right to expect stronger advocacy, including participation in policy committees and more direct lobbying. Council Member Penniman suggested writing a letter urging the League to fight harder.

and sending a sidebar letter to Charles Chapman, the former Naples City Manager, who now lobbies for the League.

Council Members also discussed timing of the proposed litigation. Vice Mayor Hutchison asked City Attorney McConnell to coordinate with Weiss, Serota, Helfman, Cole & Bierman to clarify when other cities would act, noting that Naples' decision could influence others. Council Member Christman agreed more clarity is needed on the legal strategy, including whether the lawsuit would be directed against the legislature or a state agency, so that members can accurately explain the action to residents.

Mayor Heitmann said there was consensus to continue discussion to the September 3, 2025 City Council Regular Meeting, and she directed the City Attorney to coordinate timing with the delegation. City Attorney McConnell said he would provide updates on timing, participating cities, and defendants before Council reconvened.

[Agenda Memorandum](#) 

[Resolution](#) 

14. FIRST READING ORDINANCES

14.A) AN ORDINANCE RELATED TO FLOODPLAIN MANAGEMENT; AMENDING CHAPTER 16, CONSTRUCTION, REHABILITATION AND PROPERTY MAINTENANCE REGULATIONS, ADDING PARAGRAPH (C)(1)C. TO SECTION 16-112, FLORIDA BUILDING CODE ADOPTED; AMENDMENTS; AMENDING THE DEFINITION OF NON-CONVERSION AGREEMENT IN SECTION 16-144, DEFINITIONS; AND ADDING PARAGRAPH 4(H) TO SECTION 16-147, PERMITS, OF THE CODE OF ORDINANCES, CITY OF NAPLES, FOR THE PURPOSE OF REQUIRING A DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT) FOR PROPOSED DEVELOPMENT, INCLUDING ENCLOSURES BELOW ELEVATED BUILDINGS, CRAWL/UNDERFLOOR SPACES THAT ARE MORE THAN FIVE FEET IN HEIGHT AND ATTACHED GARAGES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

City Attorney Matthew McConnell read the Ordinance title. Mayor Heitmann explained that this is the first reading of the Ordinance. Steve Beckman, Director of Building Services, explained that the Ordinance codifies existing floodplain code requirements limiting the use of enclosed spaces below the flood elevation. He stated that when such enclosures are built as part of new construction or redevelopment, a Non-Conversion Agreement would be recorded on the deed, so future owners are aware that conversion to living space is not permitted. He added that this protects buyers, ensures compliance, and provides Community Rating System (CRS) points for the City. Director Beckman clarified that "enclosure" refers to permanent construction with walls and a roof, not temporary flood barriers or shutters.

Vice Mayor Hutchison inquired about the definition of an enclosure. In response, Director Beckman reiterated that an enclosure means permanent space, limited to storage, parking, and vehicle access.

Public Comments: None

MOTION by Hutchison to APPROVE ITEM 14 AT FIRST READING; seconded by Barton and unanimously carried, all members present and voting (Kramer-yes, Christman-yes, Petrunoff-yes, Barton-yes, Hutchison-yes, Penniman-yes, Heitmann-yes).

[Agenda Memorandum](#) 

[Ordinance](#) 

[Business Impact Estimate](#) 

[Non-conversion Agreement](#) 

15. SECOND READING ORDINANCES – None.

16. PUBLIC COMMENTS – None.

17. COMMUNICATIONS FROM MAYOR, CITY COUNCIL, AND STAFF

Council Member Penniman urged mobilizing Florida League of Cities members and recommended sending a letter to the Legislature pressing for stronger advocacy of home rule. Mayor Heitmann indicated she would investigate how the Florida League of Cities develops its legislative priorities.

Citing rising safety risks on sidewalks and streets, Council Member Barton asked when the E-Bike Ordinance will be heard by the City Council again. In response, City Manager Gary Young targeted the second meeting in October. In response to Council Member Barton, City Manager Young confirmed that the City Council will receive a dredging presentation on September 3, 2025. Council Member Barton expressed support for pursuing a potential amendment to the Code that would allow a small-scale pilot program for workforce housing on a limited commercial lot. Mayor Heitmann urged for due diligence for Comprehensive Plan consistency and avoidance of unintended impacts.

Council Member Penniman proposed limiting accessory dwelling units to manage parking and negative neighborhood effects. Council Member Christman pointed out that the City lacks staff capacity and in-house housing expertise and suggested either narrowing the project scope or bringing in outside assistance.

Council Member Kramer announced the Tourist Development Council's unanimous recommendation of \$10 million for the City's stormwater outfall project.

Council Member Petrunoff sought a broader look at enforcing restaurant/bar classifications, citing the City's lack of data. In response, Mayor Heitmann said the Design District was intended as an art district but is now facing proposals for housing, a hotel, and a theater. She stressed the need for clear long-range vision, as piecemeal decisions, she asserted, do not constitute true planning. City Manager Young explained that the City does not have access to local revenue data because the State controls the reporting of sales and alcohol taxes. He said staff will verify State definitions and return with enforceable code options.

Council Member Petrunoff raised concerns about Accessory Dwelling Units, including how they affect homestead exemptions and the risk of being used as short-term rentals.

Vice Mayor Hutchison requested a workshop to focus on near-term City Council priorities and asked for the most recent priority list so the items could be reordered. Council Member Christman urged narrowing near-term City Council priorities to fit within the five months before the February election, when new members will be seated. City Manager Young indicated a priorities discussion will be included on an upcoming agenda.

Vice Mayor Hutchison cautioned that a workforce housing template could increase height, density, and intensity beyond community expectations. He said the Live Local Act limits local authority, since approval of the Four Seasons and Naples Beach Hotel set a precedent allowing up to 75 feet within one mile of the tallest building. He noted MHK Architecture's chart presented earlier that day showing 18 units per acre and emphasized that while the City supports affordable housing, such a template could trigger unintended impacts across the community. He questioned whether zoning or Comprehensive Plan changes should be decided by the City Council or by voters, stressing the issue's complexity and urging resident input outside the summer recess. He asked the City Attorney for clarification. In response, City Attorney McConnell explained only the City Council, the Planning Advisory Board, or the City Manager can initiate a text amendment in Naples. City Manager Young said he would review workload and present options in October before staff begins work on an ordinance. Mayor Heitmann agreed that alignment with priorities and staffing is essential before proceeding.

Vice Mayor Hutchison recommended connecting the Naples Nice program with the Naples Youth Council. He asked that Council reaffirm direct Council oversight of the Youth Council, rather than leaving it solely to staff, and suggested assigning a representative when the new Council is seated. Mayor Heitmann and City Manager Young agreed that oversight should return to Council, with staff continuing to provide support. City Manager Young added that budget and staffing flexibility exists to facilitate the program.

Council Members discussed the September 3, 2025 Regular City Council meeting agenda item related to dredging Lakes 8 and 9. Vice Mayor Hutchison said a change order is expected tied to higher transportation costs rather than additional muck removal. Vice Mayor Hutchison asked whether direction was needed at that time to avoid remobilization expenses if the contractor leaves before completion. City Manager Young said no action is required at that time but will confirm to prevent added costs.

Mayor Heitmann concluded by expressing confidence that the City Council can accomplish important work before the new City Council is seated. She said priorities will be revisited to ensure progress and she encouraged each member to identify five Comprehensive Plan initiatives to guide upcoming community outreach.

18. ADJOURNMENT

6:04 p.m.

Teresa Lee Heitmann, Mayor

Patricia L. Rambosk, City Clerk

Meeting clerked by:

Jessica Rosenberg, Deputy City Clerk and

Jessica Hernandez, Deputy City Clerk

Minutes prepared by:
Dave Horton, Executive Assistant

Minutes Approved: 10/15/2025.