



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – October 1, 2025 – 8:31 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; and 3) 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
Chad Merritt, Community Services Director
Robert Middleton, Public Works Director
Dave Rivera, Traffic Operations Supervisor

Matthew McConnell, City Attorney
Alison Bickett, Deputy City Engineer
Jessica Rosenberg, Deputy City Clerk
Corey Adamski, Deputy Fire Chief
Jessica Hernandez, Deputy City Clerk

Others Present:

Kirt Anderson
Linda Oberhaus
Scott Schultz
Christel Johnson

Bill Odrey
Clay Brooker
Patrick Walsh
Andrew Rath

2) INVOCATION AND PLEDGE OF ALLEGIANCE

Kirt Anderson, Pastor at Naples Community Church gave an invocation. Council Member Kramer subsequently led in the Pledge of Allegiance.

3) SET AGENDA

City Manager Gary Young noted that a supplement presentation had been distributed in a Supplement for Items 13.A and 13.B, which are companion items.

MOTION by Christman to SET THE AGENDA; 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 National Domestic Violence Awareness Month.

Mayor Heitmann presented a Proclamation designating October as National Domestic Violence Awareness Month. Linda Oberhaus, CEO of The Shelter for Abused Women and Children, accepted the Proclamation and offered a few remarks on the shelter's vital support for women affected by abuse.

[Proclamation \(Staff/Added Attachment\)](#)

5) PUBLIC COMMENTS

Planning Advisory Board member **Scott Schultz**, speaking as a private citizen and Naples Cay resident, commented on the 2045 Comprehensive Plan process. He emphasized that the plan is a major, long-term effort and should engage as many residents as possible while seasonal citizens are present. Drawing from past planning challenges, he urged scheduling public charrettes during peak season, and focusing discussions on land use, resiliency, zoning, clean water, public safety, health, infrastructure, taxation, airport services, and neighborhood priorities. City Attorney Matthew McConnell reminded Board Members that the recently adopted ethics code requires consultation with the City Attorney before publicly commenting on matters that may come before their board. **Bill Odrey** spoke about expanding access for individuals with disabilities through adaptive recreation. He proposed offering all-terrain track wheelchairs for public use and invited Council Members to view a demonstration unit outside City Hall. Council Member Kramer thanked him for the initiative and encouraged him to email Council Members with program details specific to the City of Naples. **Christel Johnson** addressed the City Council regarding the Naples Airport Authority (NAA) and recent discussion about State legislation and airport governance. She said the State's decision to revise the long-standing appointment process was driven by safety and representation concerns, noting that higher levels of government act when local governance appears unbalanced. Ms. Johnson criticized the City's recent NAA appointments, stating that two commissioners rejected more than \$8 million in Federal Aviation Administration (FAA) safety and maintenance grants, creating operational and financial risks. She asserted that the Airport is performing well, safe, financially sound, and professionally managed, and said efforts to insert City oversight or reject grants could destabilize that progress. She urged the City Council to rescind the pending Resolution, restore balanced appointments, and support the Airport's professional staff and continued acceptance of FAA funding. She said the airport's regional role warrants broader representation and encouraged Council to embrace the new State system allowing public elections for NAA seats. Mayor Heitmann stated that she did not request the Airport Director's resignation, but rather expressed no confidence during a prior discussion. She added that the City Council only asked the NAA to consider self-funding certain projects, not to reject safety grants, and that the decision to explore Airport relocation originated with the NAA, not City Council.

APPROVAL OF CONSENT AGENDA

Mayor Heitmann requested to remove Item 8.B from the Consent Agenda for a separate discussion and vote.

MOTION by Christman to APPROVE THE CONSENT AGENDA subject to removing Item 8.B for a separate discussion and vote; 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).

6) MINUTES

- 6.A) Approval of the August 18, 2025 Workshop Meeting Minutes and the September 3, 2025 Special (Budget) Meeting Minutes.**

[Agenda Memorandum](#)

[August 18, 2025 Workshop Meeting Minutes](#)

[September 3, 2025 Special \(Budget\) Meeting Minutes](#)

7) RESOLUTIONS

- 7.A) RESOLUTION 2025-15726 A Resolution Approving a Fourth Amendment to the Professional Services “Piggyback” Agreement Between the City of Naples (“City”) And SBM Partners, Inc., a Florida Corporation, Formerly Known as Smith, Bryan, & Myers, Inc., a Florida Corporation (“Consultant”), for Lobbying Services in the Amount of \$75,000; Authorizing the City Manager to Execute the Fourth Amendment to the Professional Services “Piggyback” Agreement; and Providing an Effective Date.**

Title of the Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[Fourth Amendment to Professional Services Agreement](#)

[Original Professional Services Agreement 22-7956](#)

[Collier County Extension of One-Year Renewal](#)

[Third Amendment to Professional Services Agreement](#)

- 7.B) **RESOLUTION 2025-15727** A Resolution Selecting Bonness, Inc., a Florida Corporation, in Response to Bid 25-027 and Approving a Contractor Services Agreement between the City of Naples and Bonness, Inc., to Upgrade the Span-Wire Intersection of 9th Street South and 10th Avenue South to Mast Arms in the amount of \$755,214.90; Approving an Additional 10 Percent Contingency of \$75,521.00; Amending the Fiscal Year 2024-2025 Budget Adopted by Resolution 2024-15463 for the Additional Funding Required; Providing Supplemental Appropriations to the Fund 350 (One-Cent Sales Tax Fund) in the Amount of \$830,735.90; Authorizing the City Manager to Execute the Contractor's Services Agreement; Providing for Scrivener's Errors; and Providing an Effective Date.

Title of the Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[Bid Analysis - 9th St and 10th Ave S.](#)

[Trebilcock Bid Analysis](#)

[Contractor's Agreement Bonness Span Wire Conversion](#)

[Signal Plans](#)

8) **OTHER**

- 8.A) Consideration of the following New Special Event Application: 1) Movie on the Lawn – Port Royal.

[Agenda Memorandum](#)

[Port Royal Movie on the Lawn 12.26.2025](#)

END OF CONSENT AGENDA

9) **PUBLIC HEARINGS**

None.

REGULAR AGENDA

10) **ITEMS PULLED FROM CONSENT AGENDA**

- 8.B) Consideration of the following Repeat Special Event Applications: 1) Festival Under the Stars – Baker Park; and 2) Hyatt House DJ for Event – Hyatt House.

Mayor Heitmann asked about the Festival Under the Stars location, noting prior use of the Cambier Park softball field and earlier plans to move to Baker Park. Community Services Director Chad Merritt confirmed the festival was relocated to Baker Park at the Naples Opera's request for cost savings and easier logistics, while reducing wear on the softball field. Mayor Heitmann asked if staff is promoting Baker Park for more events. City Manager Gary Young said it is offered as a cost-effective and secure alternative when appropriate, with organizers required to meet the 120-day application policy.

With no further discussion, Vice Mayor Hutchison moved to approve Item 8-B, seconded by Council Member Penniman.

MOTION by Hutchison to APPROVE ITEM 8.B; 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).

[Agenda Memorandum](#)

[Festival Under the Stars 3.6.2025](#)

[Hyatt House DJ for Event 4.18.2025](#)

11) **LAND USE MATTERS**

None.

12) **OLD BUSINESS**

None.

13) NEW BUSINESS

It is noted for the record that Items 13.A and 13.B were considered concurrently.

- 13.A) RESOLUTION 2025-15728 - A Resolution Approving a Valet Licensing Agreement Between the City of Naples and Old Naples Hotel Management, LLC, A Florida Limited Liability Company for Valet Services at the Old Naples Hotel; Approving Right-of-Way Permit Application PRRW2502489 to Provide Valet Services as the Old Naples Hotel Located at 200 Broad Avenue South, Subject to the Standard Permit Conditions, Special Conditions and General Operating Conditions; Authorizing the Mayor to Execute the Valet Licensing Agreement; and Providing an Effective Date (Supplement 1/Updated Item).**
- 13.B) RESOLUTION 2025-15729 - A Resolution Approving Public Right-of-Way Permit Application PRRW2505442 with Standard and Special Permit Conditions, and the Right-of-Way Design Plan, to Improve Future Traffic Deficiencies Related to the Development of the Old Naples Hotel Located at 200 Broad Avenue South; Approving the Broad Avenue South/Gordon Drive Intersection Improvement Agreement between the City of Naples and Old Naples Development, LLC, A Florida Limited Liability Company for Turn Lanes and Right-of-Way Improvements at the Old Naples Hotel; Authorizing the Mayor to Execute the Intersection Improvement Agreement; and Providing an Effective Date (Supplement 1/Updated Item).**

City Attorney Matthew McConnell explained that Items 13.A and 13.B were interrelated right-of-way petitions for the Olde Naples Hotel project and recommended hearing them together, with separate votes to follow.

Consensus reached to consider Items 13.A and 13.B concurrently, with separate votes to be taken on each item.

City Attorney McConnell read the titles of each Resolution. 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, and had spoken to Deputy City Engineer Alison Bickett; Barton / was familiar with the site; Christman, Kramer and Petrunoff / were familiar with the site and had not had contact since the last City Council discussion regarding the issue; Hutchison / was familiar with the site, had visited the site, had received email regarding the matter that is part of the public record, and had not had contact with the petitioner; and Heitmann / was familiar with the site, visited the site, drove by the site every day, and had spoken with staff regarding the petition.

Clay Brooker, Attorney at Cheffy Passidomo, representing Olde Naples Development LLC, introduced Patrick Walsh, one of five family members involved in the project, who thanked the City Council, City staff, and the City Attorney for their assistance in advancing the project. Mr. Walsh said his family looks forward to delivering a high-quality, locally inspired boutique hotel similar to their Wentworth by the Sea project in New Hampshire.

Attorney Brooker said the hearing that day was a continuation of the discussion from June 4th, when the City Council agreed on intersection improvements at Broad Avenue South and Gordon Drive and requested more information on hotel and valet operations. He then utilized an electronic presentation to explain that two permits were before the City Council that day: one for intersection improvements under an agreement with the City and another for valet operations requiring a Valet License Agreement. He said the plans remain consistent with the City Council's 2018 approval of the Olde Naples Hotel, which originally required the developer to fund 50 percent of intersection costs. He stated that on June 4, 2025, the developer offered to fund 100 percent of the design and installation of the initial improvements.

Attorney Brooker presented plans showing new turn lanes on Gordon Drive and Broad Avenue South, a valet drop-off area, and a relocated crosswalk for improved safety. He said the developer will fund the \$156,000 improvements within 12–16 months and will share future maintenance or

upgrade costs equally with the City, receiving credit for the portion of the work the developer has already completed.

City Attorney McConnell confirmed no City reimbursement if costs decrease. Mayor Heitmann noted some landscaped areas would be replaced with pavement to improve traffic flow.

Attorney Brooker outlined the right-of-way permit for valet operations, noting vehicles will enter from Broad Avenue South, use a one-way permeable-paver drive to the garage ramp, and exit to Gordon Drive. He added that valet service will be free, limited to guests and patrons, operate 24 hours a day, and prohibit queuing on Broad Avenue South. He said the agreement includes insurance, indemnification, annual review, and City Council renewal every three years, consistent with 5th Avenue South standards.

Attorney Brooker confirmed that the valet operations are unchanged from 2018, that the hotel is not acquiring City land, and that all intersection work remains within existing right-of-way. Project Engineer Andrew Rath from Davidson Engineering noted the project meets all setbacks, includes a continuous eight-foot sidewalk along the north and west sides, and features permeable paved areas that the hotel will maintain.

Mayor Heitmann asked if buffering had been discussed for the west side of Gordon Drive where valet and service vehicles will exit. Engineer Rath said no, explaining that the area is used for resident parking, leaving little room for landscaping within the public right-of-way.

Mayor Heitmann also asked how the hotel would prevent queuing on Broad Avenue South. Attorney Brooker said the hotel would manage operations to ensure vehicles remain within the two-lane valet driveway, noting the operator's experience with similar services.

Deputy City Engineer Bickett reviewed the staff report and the conditions contained therein, noting that the Olde Naples Hotel was approved in 2018 under Resolution 2018-14149. The Resolution required right-of-way improvements and a 50-percent cost share for intersection upgrades before issuing of a Certificate of Occupancy.

Deputy City Engineer Bickett said the intersection work, turn lanes and sidewalks, provide clear public benefit, while the valet area primarily serves the hotel. She noted that the valet route follows Broad Avenue South, east to the garage entrance, exits north on Gordon Drive, and returns to the drop-off. A live demonstration confirmed waste trucks can safely access the compactor, she added.

Deputy City Engineer Bickett said the developer will fund 100 percent of the interim intersection improvements, including the northbound right-turn lane and westbound left-turn lane, with a one-year reevaluation period. She said the design adds pavement hatching, a relocated crosswalk, and curbing to prevent early turns. She noted that 11 public spaces will be removed and five replaced off-site. The agreement allows the City Council to later consider signalization, with credit given for costs already incurred, she added.

Council Member Christman reviewed the history of the Broad Avenue South and Gordon Drive intersection, noting that the 2018 agreement deferred details until later. Earlier this year, he said the City Council identified signalization as the long-term solution but approved an interim four-way stop to match the hotel's construction schedule. He said current plans include a northbound right-turn lane on Gordon Drive, a westbound left-turn lane on Broad Avenue South, curbing to block premature hotel turns, and relocating the crosswalk for safety. He clarified that while the 2018 Resolution required a 50 percent cost share, the developer will now fund all interim improvements, with that amount credited toward future signalization.

Deputy City Engineer Bickett confirmed the developer's responsibility for all turn-lane, crosswalk, and curb work, with cost credits applied if additional improvements are later approved. Traffic Operations Supervisor David Rivera added that the developer agreed to repave Gordon Drive from 12th Avenue South to Broad Avenue South to ensure a consistent roadway.

Council Member Christman recommended the one-year intersection review be led by a City-selected engineer, with costs paid or shared by the developer. City Manager Gary Young supported the suggestion, noting budget funds have already been set aside for potential future signalization. Deputy City Engineer Bickett said the one-year review period begins after completion of the interim improvements or issuance of the hotel's Certificate of Occupancy.

Council Member Penniman voiced concern that parking and traffic analyses did not account for the spa, retail, and sundry shops within the hotel and requested data on how those uses would affect parking demand. In response, Attorney Brooker explained that the 2018 site plan already included a café, sundry shop, spa, and small retail spaces on 3rd Street South, with a parking analysis confirming 124 garage spaces were sufficient under full occupancy. He said the study assumed overlap between hotel guests and on-site amenities, so no additional parking was required. Council Member Penniman noted the 2018 approval passed narrowly and said concerns remain about the project's size and impact.

Council Member Petrunoff questioned whether the intersection upgrades would still be needed if the hotel were not built and expressed concern about paving over existing green space. Deputy City Engineer Bickett said a traffic study by the developer found the intersection near failing, with congestion northbound on Gordon Drive during peak hours. She said turn lanes are rarely added but were justified at that location to improve traffic flow and safety. She added that a roundabout was initially considered as an alternative to preserve more green space. Traffic Operations Supervisor Rivera added that 60 percent of northbound and 90 percent of westbound vehicles turn at that location, confirming the need for improvements even without the hotel.

Council Member Kramer said the 2018 approval remains valid and that while the loss of five trees and a narrow right-of-way strip is unfortunate, it is a minor impact compared to the significant cost savings provided by the developer's funding. Mayor Heitmann asked that landscaping and sidewalk plans return for review once finalized. Deputy City Engineer Bickett said the plans remain under review and clarified that current signage only addresses valet and traffic control, with two signs designating valet parking and restricting public garage access.

Mayor Heitmann asked staff to confirm signage reading, "Valet Parking Limited to Old Naples Hotel, Café, Bar, Spa, and Sundry Shop," which Deputy City Engineer Bickett verified is posted at the drop-off area.

Deputy City Engineer Bickett said replacements for the 11 eliminated parking spaces were created under a separate 2018 permit and will be funded by the petitioner. Those spaces, she affirmed, are open to the public and will not be reserved for the hotel.

Vice Mayor Hutchison received confirmation from staff that the striped "gore markings," on Gordon Drive will be thermoplastic for durability. He expressed support for moving the 12th Avenue South crosswalk from the north to the south side of the intersection to improve pedestrian safety and reduce conflicts with vehicles exiting toward the Pier. He also recommended adding rapid-flashing beacons for better visibility, which staff agreed would be appropriate and could be supplied from the City's existing inventory.

Discussing traffic flow, Vice Mayor Hutchison confirmed vehicles exiting the hotel garage would turn right onto Gordon Drive and that the Broad Avenue South driveway is for entry only. He requested confirmation that a hinged gate arm will prevent public entry and asked about sight distance at the Gordon Drive garage exit. Deputy City Engineer Bickett said vehicles would stop four feet from the sidewalk with a 14.5-foot clear view of traffic, aided by tree removal. Vice Mayor

Hutchison stressed pedestrian safety for those walking to the Pier and suggested extra warnings. Deputy City Engineer Bickett supported adding caution signs, and Council Member Barton proposed a gate arm to force full stops. Andrew Rath, Vice President at Davidson Engineering, confirmed a gate arm is already planned between the stop bar and crosswalk.

Deputy City Engineer Bickett said the existing north crosswalk will be removed and replaced on the south side of 12th Avenue South, with rapid-flashing beacons to improve safety. The sidewalk will extend to the new crossing, she added.

Vice Mayor Hutchison then reviewed valet signage. Deputy City Engineer Bickett said Sign 1, “Valet Parking Limited to Old Naples Hotel, Café, Bar, Spa, Sundry Shop, and Commercial Retail, No Charge with Validation”, will face the valet area and be lit by streetlight. Vice Mayor Hutchison expressed concern regarding the term “commercial retail,” requesting it be limited to hotel uses, and asked that parking validation disputes be handled by hotel staff. Deputy City Engineer Bickett confirmed Sign 2, “Old Naples Hotel Valet Parking Only, No Public Access,” will appear at the garage ramp.

Vice Mayor Hutchison questioned the visibility and lighting of the proposed garage signage for the Old Naples Hotel. Deputy City Engineer Bickett explained that the signs would stand no higher than 36 inches above existing grade and would not be illuminated. Because the garage ramp slopes downward, she requested flexibility on placement to ensure visibility and safety. She added that permanent valet signage within the public right-of-way is highly unusual, as most locations use removable daily signs.

Vice Mayor Hutchison asked how the proposed gate arm for the Olde Naples Hotel would function if a driver pulled up without authorization. Vice President Rath explained that only hotel employees and valet attendants would have access, likely through remote or key fob activation. Patrick Walsh, Principal at Olde Naples Development (sworn separately) stated that attendants would control both the entry and exit gates, maintaining a secure environment. He said that if an unauthorized driver mistakenly entered the area, valet staff would stop the vehicle and direct the driver to back out safely.

Vice Mayor Hutchison raised concerns about congestion during peak events such as July 4th and New Year’s Eve near the Olde Naples Hotel. Principal Walsh responded that most hotel guests typically arrive before such events, limiting overlap with public traffic. Vice Mayor Hutchison noted, however, that traffic backups near the gate were still likely and said that the current design encouraged non-guests to attempt entry. He suggested that valet and delivery traffic for the Olde Naples Hotel be routed directly into the garage rather than using Broad Avenue South to avoid confusion. He also reiterated that the City previously recommended signaling the intersection of Broad Avenue South and Gordon Drive to improve safety and traffic flow for both vehicles and pedestrians.

Vice Mayor Hutchison asked if the City still planned to install a traffic signal at Broad Avenue South and Gordon Drive or continue with the current stop-sign plan. Deputy City Engineer Bickett said the City Council had directed staff to proceed with the stop-sign and turn-lane design for a one-year trial, after which the intersection’s performance would be reevaluated. She noted that delays in obtaining signal materials also factored into the decision.

Vice Mayor Hutchison sought assurance that safety would not be reduced. Traffic Operations Supervisor Rivera said oversized stop signs and new pavement markings would improve visibility and safety.

Council Member Barton noted that either a signalized or stop-sign intersection would provide comparable safety, but the stop-sign option was more cost-effective because the petitioner would

fund it entirely. He added that if traffic conditions later warrant a signal, the City could share in that future cost.

Mayor Heitmann asked how eastbound vehicles and delivery trucks would access the Olde Naples Hotel, whether U-turns at Broad Avenue South were still restricted, and if stormwater management was resolved.

Recess: 11:08 a.m. to 11:24 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Deputy City Engineer Bickett said the updated design added curbing and “No U-Turn” signs at Broad Avenue South and Gordon Drive will prevent wrong-way entry while preserving fire access. Eastbound vehicles must continue to Gulf Shore Boulevard or another route, she added.

Council Member Christman asked about hotel parking. Deputy City Engineer Bickett confirmed the 2018 plan allows 91 valet and 33 employee/overflow spaces (124 total) with stacking for overflow. No off-site or right-of-way parking is permitted, she said, and no off-site plan exists.

Attorney Brooker stated that pursuant to the 2018 Resolution, valet attendants must park off-site, with locations to be determined by the hotel operator. He listed offsite parking options, which include employee housing with shuttle service, e-bikes, or rideshare. Other hotel employees may park on-site, with up to 20 staff per shift, he added. Attorney Brooker said a 2018 parking study established 124 required spaces based on full occupancy, noting that stacking or shuttling would be used only if needed.

Deputy Fire Chief Corey Adamski confirmed the Fire Department approved the 2018 Life Safety Plan, though stacked parking could hinder access. He stated that while newer standards would not permit it, the prior approval remains valid. He said the Fire Department will coordinate with the hotel and valet operator to ensure emergency access and compliance with fire codes.

Council Member Penniman questioned the discrepancy between the 109 hotel rooms and the 91 valet parking spaces. Attorney Brooker responded that the 2018 parking study determined 124 spaces were sufficient and that finding remains valid. He explained the analysis assumed 90 percent of guests would arrive by car, higher than Naples’ typical 77 percent, resulting in a conservative estimate. Of the 124 spaces, he said 91 are designated for valet use and 33 for employees or overflow, providing a 13-space buffer above projected demand.

Attorney Brooker confirmed the valet will likely be operated by the hotel but could be contracted to a third party. City Attorney McConnell clarified that the valet plan itself was approved in 2018; only the right-of-way use permit is under review that day. He added that any third-party operator must provide insurance, naming the City as an additional insured.

Vice Mayor Hutchison asked about flooding risks in the underground garage, particularly for electric vehicles. Deputy Fire Chief Adamski said the garage meets life-safety code, includes fire suppression and separation, and that the Fire Department has EV-specific response tools. He added that while the State prohibits local regulations restricting indoor EV parking, the hotel may voluntarily choose to limit EVs in the garage.

City Attorney McConnell also confirmed that certain conditions in the valet license agreement, such as the City Manager’s right to suspend or revoke valet approval, were moved from the “special conditions” list into the main license agreement to eliminate redundancy while preserving City protections. City Attorney McConnell clarified that Exhibit A (valet pickup/drop-off plan by Davidson Engineering) and Exhibit B (special and general conditions) together form the complete valet license agreement.

City Attorney McConnell noted that 11 on-street spaces were removed due to turn-lane improvements reflected in the updated right-of-way design. The agreement will be executed with

Olde Naples Hotel Management LLC, which must indemnify the City; any third-party valet company must provide separate insurance naming the City as insured.

City Attorney McConnell stated that Sections 2 and 3 of the Resolution include the License Agreement with exhibits and the Right-of-Way and Intersection Improvement Agreements. Council Member Christman proposed, and Attorney Brooker accepted, having a City-retained engineer perform the post-construction traffic study at the petitioner's expense.

Public Comment: None.

MOTION by Christman to APPROVE RESOLUTION 2025-15728 subject to including all the accompanying exhibits to the Resolution, as discussed that day; seconded by Kramer and carried 4-3, all Members present and voting (Christman-yes, Barton-yes, Kramer-yes, Petrunoff-no, Penniman-yes, Hutchison-no, Heitmann-no).

MOTION by Christman to APPROVE RESOLUTION 2025-15729, subject to adding the following condition to the accompanying agreement: that any future study to determine the need for signalization at the intersection, if deemed necessary by the City and/or the petitioner, shall be conducted by a consultant selected by the City, with all costs borne by the petitioner; seconded by Barton and FAILED 3-4, all Members present and voting (Hutchison-no, Penniman-no, Christman-yes, Barton-yes, Kramer-yes, Petrunoff-no, Heitmann-no).

City Attorney McConnell explained that because Item 13.B (the intersection improvement agreement) failed, the City Council needed to revisit next steps since the developer was obligated to fund 50 percent of the improvements. He confirmed that the City Council had previously agreed to those intersection improvements and that the valet operations approved under Item 13.A could not proceed without them, as the turn lane was essential for safe access.

Council Member Kramer noted that the City Council had already discussed and supported this direction at previous meetings and questioned the implications of reversing course. City Attorney McConnell explained that only those who voted "no" could move to reconsider and clarified that the initial vote would be solely on whether to reopen the item. Mayor Heitmann expressed concern about hotel access and traffic safety, particularly vehicles making U-turns on Gulf Shore Boulevard, then moved to reconsider Item 13.B.

MOTION by Heitman to RECONSIDER ITEM 13.B; seconded by Barton and unanimously carried, all Members present and voting (Christman-yes, Petrunoff-yes, Barton-yes, Kramer-yes, Hutchison-yes, Penniman-yes, Heitmann-yes).

Council Member Christman then moved to approve Item 13.B, the Right-of-Way Permit and Intersection Improvement Agreement, with the added condition that any future signalization study be conducted by a City-retained consultant at the petitioner's expense. Vice Mayor Hutchison recommended adding a condition requiring "No U-Turn" signage and pedestrian flashers for safety, which staff confirmed could be incorporated under City authority. In addition, he suggested extending the median on Broad Avenue South to prevent vehicles from crossing the double yellow line into the parking garage. In response, Council Member Barton suggested installing delineator posts on Broad Avenue South to prevent vehicles from turning left across the double yellow line into the garage entrance. Council Members agreed to include those safety elements as conditions in the final motion.

MOTION by Christman to APPROVE RESOLUTION 2025-15729, subject to adding the following conditions to the accompanying agreement: 1) That any future study to determine the need for signalization at the intersection, if deemed necessary by the City and/or the petitioner, shall be conducted by a

consultant selected by the City, with all costs borne by the petitioner; 2) That the Barton Plan be implemented to mitigate the likelihood of vehicles turning left from Broad Avenue South across the yellow lines, through the use of appropriate traffic control devices; 3) That pedestrian flashers be installed at the crosswalk on Gordon Drive; and 4) that a “No U-Turn” sign be installed at the intersection of Gordon Drive and Broad Avenue South; seconded by Kramer and unanimously carried, all Members present and voting (Penniman-yes, Hutchison-yes, Petrunoff-yes, Barton-yes, Christman-yes, Kramer-yes, Heitmann-yes).

13.A Attachments

[Agenda Memorandum](#)

[Resolution](#)

[Old Naples Valet License Agreement with Permit Special Conditions](#)

[ROW Application Form](#)

[Hotel Operations Response Letter](#)

[Submitted Valet Operation Plan](#)

[Right-of-Way Plans](#)

[Resolution 2018-14149](#)

[2018 Approved Valet Parking Plan](#)

[2018 Parking Needs Analysis \(Old Naples Hotel\)](#)

[Ocean Properties Certificate of Insurance](#)

[ONH Intersection and ROW Valet Permit Application Presentation \(Supplement 1/Added Attachment\)](#)

[ONH Letter \(Staff/Added Attachment\)](#)

13.B Attachments

[Agenda Memorandum](#)

[Resolution](#)

[Intersection Agreement](#)

[ROW Application](#)

[Right-of-Way Plans](#)

[Attachment #1 Resolution 2018-14149](#)

[Draft Special Right-of-Way Conditions](#)

[ONH Intersection and ROW Valet Permit Application Presentation \(Supplement 1/Added Attachment\)](#)

13.C) Announcement of an Executive Session Regarding Compagnone, Richard v. City of Naples, Case No. 23-CA-003045, 20th Judicial Circuit, in and for Collier County, Florida.

City Attorney Matthew McConnell read the public notice of a request to schedule an executive session for the purpose of seeking legal advice concerning settlement negotiations or strategy related to litigation expenditures in Compagnone, Richard v. City of Naples, Case No. 23-003045, scheduled for October 15, 2025, at approximately 12:30 p.m. in the City's second-floor conference room at City Hall. He noted those attending the executive session that day would include Mayor Teresa Heitmann, Council Members Terry Hutchison, Ray Christman, Beth Petrunoff, Bill Kramer, Linda Penniman, Berne Barton, City Manager Gary Young, City Attorney Matthew McConnell, Attorney Jeffrey Hurcomb, and Charissa Dines from Dines Court Reporting.

[Agenda Memorandum](#)

[Public Notice](#)

Recess: 12:35 p.m. to 1:05 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

13.D) **RESOLUTION 2025-15730** - A Resolution of the City Council of The City Of Naples, Florida, rescinding Resolution No. 2025-15651 regarding interpretation of the City's Comprehensive Plan and Code of Ordinances as it pertains to the Naples Airport

Authority's "Airport Utilization Plan" and site-specific development; providing for scrivener's errors; and providing an effective date.

City Attorney Matthew McConnell read the title. He explained that the Resolution before Council would rescind Resolution 2025-15651 concerning interpretation of the City's Comprehensive Plan and Land Development Code as they relate to the Naples Airport Authority's (NAA) Airport Utilization Plan and site-specific development. He said the action stemmed from a pre-suit notice filed under Senate Bill 180, which allows a plaintiff to challenge a local government action deemed overly burdensome. He stated that the City had 14 days to respond, and the item was brought forward within that window.

City Attorney McConnell offered background on the item, noting that his office prepared a legal opinion and corresponding Resolution in May 2025 to provide an interim "quick fix" clarifying certain procedural questions until permanent clarifying Ordinances could be drafted. Those Ordinances, he said, are now in progress and represent the long-term solution agreed upon by both the City and the NAA. Rescinding the earlier Resolution, he said, would not affect the validity of his legal opinion or halt work on the Ordinances, which would ultimately supersede the Resolution once adopted.

City Attorney McConnell advised prioritizing completion of the new Ordinances rather than defending the outdated measure they would replace. He estimated draft Ordinances could be ready for NAA review by November or December, with City Council hearings in late December or early January. Mayor Heitmann expressed preference for a joint public meeting with the NAA rather than separate staff presentations. City Manager Young confirmed that Planning, Legal, and Administrative staff are collaborating to align Comprehensive Plan and Code language as directed by Council.

Council Member Petrunoff summarized that the earlier Resolution served as a temporary "quick fix," while the new Ordinances would provide a long-term, consistent framework with the NAA's Airport Utilization Plan. Council Members agreed that the process should remain transparent and coordinated with the NAA through joint public discussions.

Council Member Kramer said the issue came down to trust in the City Attorney's guidance. He stated that he fully supported City Attorney McConnell's recommendation, adding that there was little need for further discussion. He emphasized that the City Council should, as in many other instances, rely on the professional advice of the City Attorney.

Mayor Heitmann said confusion arose from changes in how site plans with deviations were processed and presented. She said the issue could be corrected through administrative policy rather than new legislation, ensuring projects follow the proper path to the City Council. While she appreciated ongoing collaboration with the NAA, she stressed that all discussions should occur publicly and jointly with the City Council to maintain transparency and community trust.

Council Member Christman supported rescinding the prior Resolution to avoid unnecessary litigation and focus City resources on developing the Ordinances. He said the temporary Resolution reflected outdated assumptions from May and June, while the new Ordinances would better represent the current direction agreed upon by both entities. He emphasized the importance of clarity, public participation, and consensus between the City and the NAA.

Council Member Barton likened the discussion to making halftime adjustments, saying it was clear the City Attorney's approach best achieved the City Council's objectives. He voiced support for rescinding the Resolution.

Council Member Petrunoff agreed, emphasizing the need for a permanent, well-defined solution rather than a temporary measure. She said clarifying the process was a priority for residents,

businesses, and the Naples Airport Authority and requested a draft Ordinance be completed by year's end.

Vice Mayor Hutchison said the City's Ordinances do not require approval from the Naples Airport Authority or any outside entity but must remain consistent with the City's Comprehensive Plan and Land Development Code. He supported rescinding the Resolution as a strategic step to strengthen the City's position while refining related policies. Mayor Heitmann clarified that the City Attorney should not direct staff, as that authority lies with the City Manager, ensuring compliance with the Charter. City Attorney McConnell and City Manager Young agreed the process had been fully collaborative and would remain so. City Attorney McConnell said his role was to ensure the Ordinances are legally sound after staff input is complete. He emphasized that future discussions with the Airport Authority would occur in the sunshine as public presentations, not private negotiations.

City Attorney McConnell noted that the NAA meeting on November 20th would provide a public forum for collaboration, not private negotiation, to gather feedback from all affected parties. He confirmed that the original Resolution was drafted without NAA input because the agenda had already been published, though he later shared it with NAA Attorney Peter Kirsch for awareness. City Attorney McConnell said the NAA raised concerns during a July meeting, after which City staff and the NAA began working collaboratively on Ordinance language to address and clarify those issues.

Council Member Christman added that while the City retains full authority over Ordinance adoption, collaboration with the NAA and its stakeholders is essential for clarity and alignment. He cautioned against setting a strict end-of-year deadline, favoring best-effort progress and allowing staff flexibility.

City Manager Young proposed returning at the next Council meeting with a realistic timeline after coordinating with the NAA's schedule. Council Members agreed that collaboration should continue, that any meeting, joint or separate, be public, and that a draft Ordinance return to Council before presentation to the Airport Authority.

Council Member Kramer stated that there was no need for Council Members to review the draft Ordinance before the Naples Airport Authority provided input, noting that revisions could follow after feedback was received. He said the intent of the City Council was clear and expressed confidence in City Attorney McConnell and staff to move the process forward. He added that Council should trust the City Attorney's timeline and proceed with rescinding the Resolution.

Public Comment: None.

MOTION by Petrunoff to APPROVE RESOLUTION 2025-15730, rescinding Resolution 2025-1565, and to direct the City Attorney to take the lead in working with the Airport Authority and relevant City departments to complete the remaining details, including the evaluation criteria for reviewing the site plans and utilization plan, and to bring the item back to City Council at the earliest possible date; seconded by Kramer and unanimously carried, all Members present and voting (Petrunoff-yes, Hutchison-yes, Christman-yes, Barton-yes, Kramer-yes, Penniman-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Pre Suit Notice](#)

[Draft Complaint](#)

[Proposed Resolution](#)

[Resolution 2025-15651 \(Staff/Added Attachment\)](#)

ORDINANCES

14) FIRST READING ORDINANCES

- 14.A) **FIRST READING** – First Reading of An Ordinance Amending Section 26-3 – Firearms Discharge, Chapter 26 – Offenses, of the Code of Ordinances, City Of Naples for the Purpose of Updating the Code of Ordinances Pursuant to Florida Statutes; Providing for Codification; Conflicts; Severability; Correction of Scrivener’s Error; Construction; Publication and an Effective Date.

City Attorney Matthew McConnell read the title of the Ordinance. City Attorney McConnell explained that revisions to the City Code were made to comply with Florida Statute 790.33, which preempts local regulation of firearms. He noted the changes were minor and involved replacing the term “firearms” with “air pistol” and “air rifle,” which the City retains authority to regulate, and clarified language regarding discharge across public roads, rights-of-way, and alleys.

Public Comment: None.

MOTION by Penniman to APPROVE ITEM 14.A AT FIRST READING; 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](#) [Ordinance](#)

- 14.B) **FIRST READING** - First Reading of an Ordinance Relating to Administrative and Approval Procedures and Site Plan Review. An Ordinance of the City of Naples, Florida, for the Purpose of Amending Regulations Relating to Administrative and Approval Procedures and Site Plan Review; Amending Section 46-33, Site Plan Review, Section 46-34, Approval of Conditional Uses, Section 46-35, Expanding, Enlarging or Changing a Nonconformity, Section 46-37, Variances to Zoning Requirements, of Chapter 46, Administration, Procedures and Enforcement; Section 50-154, Determination of Required Dedications and Improvements, of Article VI, Right-of-Way Acquisition and Standards, of Chapter 50, Development and Design Standards; Section 52-151, Applicability of Article, of Article VI, Development of Environmental Impact, of Chapter 52, Resource Protection Standards; Section 54-31, Approval Procedure, of Article II, Plats, and Section 54-68, Recreation Areas and Facilities, of Article III, Design Standards and Improvement Requirements, of Chapter 54, Subdivision Standards; Section 56-48, Satellite Antennas, Towers and Masts, of Article II, Standards Applicable to All Districts, of Chapter 56, Supplemental Standards; and Section 58-503, Conditional Uses, of Division 17, Highway Commercial District, Section 58-533, Conditional Uses, of Division 18, C1 Retail Shopping District, Section 58-563, Conditional Uses, of Division 19, C1-A Commercial Dore District, Section 58-593, Conditional Uses, of Division 20, C2 General Commercial District, Section 58-623, Conditional Uses, of Division 21, C2-A Waterfront Commercial District, Section 58-653, Conditional Uses, of Division 22, C3 Heavy Commercial District, Sections 58-682, Uses Permitted, and 58-683, Conditional Uses, of Division 23, C4 Airport Commercial District, Section 58-713, Conditional Uses, of Division 24, I Industrial District, Section 58-773, Conditional Uses, of Division 26, O Office District, Section 58-833, Conditional Uses, of Division 28, PS Public Service District, Sections 58-864, Designation of Districts; Identification of District Boundaries, 58-868, Review of Submittals by City, of Division 29, C Conservation and TC Transitional Conservation Districts, Section 58-933, Conditional Uses, of Division 31, BP Business Park District, of the Code of Ordinances, City of Naples, Approving Text Amendment 25-T1; Providing for Codification, Conflicts, Severability, Correction of Scrivener’s Error, Construction, Publication, and an Effective Date.

City Attorney Matthew McConnell read the title. Planning Director Erica Martin reviewed the Ordinance amending sections of the Code of Ordinances as part of the City’s Process Optimization Initiative to improve the development review process. She said the Ordinance

renames the Site Plan process to General Development Plan to clarify terminology and revises the Planning Advisory Board's (PAB's) role to focus on rezoning, comprehensive plan, and text amendments, with all other petitions proceeding directly to City Council.

City Attorney McConnell explained that amendments were made to the enforceable pre-2023 Code and confirmed that General Development Plans will continue to be reviewed administratively unless part of a planned development requiring PAB and City Council approval. Planning Director Martin reported that the PAB reviewed the Ordinance on April 9, 2025, and voted to recommend denial, citing concern that it would weaken the Board's role and limit input to City Council. She added that the PAB also voted five to one to express its belief that it should be the final decision-maker for quasi-judicial and development order items, with City Council hearing only appeals. Mayor Heitmann noted the secondary motion occurred under Correspondence and Communications, where motions are not permitted.

Planning Director Martin clarified that the Ordinance does not change site plan procedures. Site plans, she said, are reviewed administratively and approved once all departments find them sufficient, unless they are located within a planned development, in which case they proceed to the PAB and City Council. She explained that the Design Review Board (DRB) reviews most new multifamily and commercial projects for design compliance only, and its Resolution simply documents design approval and does not grant zoning or development entitlements.

Mayor Heitmann asked whether a DRB Resolution qualifies as a development order. City Attorney McConnell said it does not, citing Section 2-479 of the Code, which clarifies that DRB approvals only memorialize design findings and do not authorize construction.

Council Member Christman summarized the Ordinance as renaming "site plan" to "general development plan" and removing PAB review of certain items. He supported the name change but not limiting the PAB's role. Council Member Petrunoff agreed, saying the PAB reviews provide useful context for City Council decisions.

Council Member Kramer noted that both staff workload and applicant expenses were concerns, recalling that the PAB had previously requested fewer cases because its meetings often ran long. Vice Mayor Hutchison and Council Member Barton stressed that PAB's advisory role strengthens project review and public transparency. Council Member Penniman said she agreed with prior comments but expressed concern about staff time spent on minor issues, noting that the City Council should not be deliberating over matters such as whether a business may have two or four outdoor tables. She said the example highlights the need to better define which items require City Council review and which could be handled administratively.

Mayor Heitmann said many development petitions are reviewed by the DRB but not by the City Council, noting that the DRB considers more than color and architecture. She cited recent projects, including a 40,000-square-foot renovation and a 5th Avenue development, which proceeded without City Council review. She said the issue stems from the City's Code and past procedural changes, and recommended staff review the process to determine which projects should come before Council.

Planning Director Martin spoke about streamlining the process for elevating historic homes to FEMA standards, noting multiple recent requests since Hurricane Ian. She said the Ordinance would allow such nonconformities to go directly to the City Council, bypassing PAB review, but that she could return with a more specific amendment limited to historic or single-family properties. Council Members agreed greater specificity would be preferable.

Mayor Heitmann clarified that the motion would retain the 1,000-foot public notice requirement previously adopted. Council Members confirmed that only sections affecting PAB reviews after Section 3 of the Ordinance would be reconsidered later.

Council Member Kramer expressed frustration that significant staff time had been spent drafting the Ordinance at the City Council's prior direction and cautioned against wasting taxpayer resources by reversing course.

Council Member Petrunoff asked whether increasing the public notice radius from 500 to 1,000 feet would violate Senate Bill 250 by being more restrictive. Planning Director Martin explained it would not, as Section 46-45 of the Code had already been amended to require 1,000 feet several years ago, and the update simply codified current practice.

Vice Mayor Hutchison then asked if, under the motion, City Council would continue to hear PAB matters rather than only on appeal. City Attorney McConnell confirmed that all procedures would remain the same, with PAB making recommendations and the City Council retaining final decision authority.

MOTION by Christman to APPROVE ITEM 14.B AT FIRST READING, subject to the following conditions: 1) That the Site Plan be renamed to the General Development Plan; and 2) That the Planning Advisory Board review process remain unchanged; seconded by Petrunoff and carried 6-1 (Hutchison-yes, Penniman-yes, Christman-yes, Barton-yes, Kramer-no, Petrunoff-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Ordinance](#)

[PAB Staff Report](#)

[2025-0409 PABR Minutes](#)

Recess: 3:04 p.m. to 3:11 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

14.C) FIRST READING - An Ordinance Relating To Boards And Committees Of The City Of Naples, Amending Chapter 2 Administration Article II City Council Division 3 Board Of Appeals Section 2-84 Appeals Of Administrative Decisions Of City Manager Relative To Land Development Code; Amending Chapter 2 Administration Article V Boards, Commissions And Committees Division 3 Citizens' Police Review Board Sections 2-451 Created; Composition, And 2-452 Jurisdiction, Powers And Duties; Amending Chapter 2 Administration Article V Boards, Commissions And Committees Division 4 Design Review Board Sections 2-474 Organization; Quorum; Rules Of Procedure, 2-475 Applicability Of Design Review; Prohibitions; 2-476 Procedure For Review Criteria; Review; Amending Chapter 2 Administration Article V Boards, Commissions And Committees Division 5 Community Services Advisory Board Sections 2-502 Officers; Meeting Dates; Minutes, 2-503 Duties, 2-506 Soliciting And Receiving Gifts Or Bequests; Amending Chapter 2 Administration Article V Boards, Commissions And Committees Division 7 Planning Advisory Board Sections 2-552 Jurisdiction; Powers And Duties, And 2-553 Organization; Rules Of Procedure; Testimony Or Contacts By Council Members; Amending Chapter 2 Administration Article V Boards, Commissions And Committees Division 8 Community Redevelopment Agency Advisory Board Sections 2-572 Composition; Term Of Office; Quorum, And 2-573 Duties, Of The Code Of Ordinances, City Of Naples For The Purpose Of Updating The Powers And Duties Of These Boards And Committees Of The City Of Naples; Providing For Codification, Conflicts, Severability, Correction Of Scrivener's Error, Construction, Publication And An Effective Date.

City Attorney Matthew McConnell read the title, then explained the Ordinance stemmed from prior Council workshops and direction. He outlined several cleanup and preemption updates, noting the most significant changes involve the Design Review Board (DRB). He began summarizing amendments by section, starting with administrative appeals, explaining that appeals of staff or City Manager determinations should go directly to City Council rather than to the Planning Advisory Board (PAB) first.

City Attorney McConnell next addressed the Citizens Police Review Board, explaining that due to recent changes in state Statutes, the board would be dissolved, and related Code language struck. He said the PAB review prompted a review of all boards, and he then reviewed consistency updates for other advisory boards, emphasizing that all board rules should be subject to the City Council approval by Resolution to ensure oversight and uniformity. He added that staff liaisons would continue to be appointed by the City Manager, and any board expenditures would require budget approval.

Mayor Heitmann asked how board agendas would be created and who could direct staff actions. City Attorney McConnell clarified that such details would be defined in forthcoming board Resolutions, consistent with City Council-adopted rules.

Council Member Kramer expressed concern regarding the phrase “to perfect the comprehensive plan” in paragraph D on page 11 of the Code, suggesting it could imply unattainable perfection. Council Member Barton suggested revising the phrase to “for the better development of the City,” which he suggested was clearer and more appropriate.

City Attorney McConnell then reviewed the Community Redevelopment Agency Advisory Board (CRAAB) section, explaining that bylaws must be approved by the City Council and that the City Council may assign additional duties beyond those listed in the Code.

Next, City Attorney McConnell summarized DRB changes, noting preliminary and final reviews were consolidated into a single design review to streamline the process. Planning Director Erica Martin added that all final submittal materials, including lighting and signage, would now be required at the initial review. Council Members discussed whether major design changes would trigger an additional DRB review, agreeing they should if revisions were substantial. Council Member Christman opposed reducing the reviews from two to one, saying the final review ensured accountability and upheld design quality. Mayor Heitmann and Planning Director Martin clarified that the single-review process maintained full submittal requirements while improving efficiency.

Planning Director Martin explained that planning staff lacked architectural expertise, and a design professional would assist in reviewing projects for compliance with design criteria before forwarding them to the DRB. She clarified that the Design Handbook provides guidelines, while Section 2-479 of the Code contains enforceable criteria.

Council Member Kramer raised concerns about eliminating the two-step DRB process, citing fairness to petitioners and potential costs of late design changes. Planning Director Martin confirmed applicants already submit detailed materials early in the process, and that conditional uses are reviewed separately. She noted that while the City Council would see comprehensive project materials only when tied to certain entitlements, the DRB reviews full design plans. Council Member Kramer asked about input from the building community. Planning Director Martin replied that focus groups were held with the local design community, and participants expressed strong support for streamlining the process to a single DRB meeting for efficiency.

Vice Mayor Hutchison questioned public input and workload impacts. Planning Director Martin affirmed the single DRB review would remain a noticed public hearing with opportunities for comment and continuances when needed. Planning Director Martin said the change should not increase staff workload and could improve efficiency by requiring more complete submittals upfront. Council Members agreed that the DRB recommendations should remain clearly documented in staff reports and that significant changes could still be referred back to the DRB for further review.

Council Members discussed terminology for documenting DRB actions, agreeing to replace the term “Resolution” with “written decision” to avoid confusion with development orders. Planning Director Martin explained that DRB actions, approval, denial, or approval with conditions,

constitute formal decisions subject to appeal within a defined period. She clarified that the DRB holds independent authority over design matters, while City Council remains the final decision maker on use-related issues such as conditional uses.

City Attorney McConnell outlined the review process if the Ordinance were to be approved. He explained that staff would first review the application and issue a sufficiency letter, followed by review by the DRB, the PAB, and finally the City Council. He noted that the DRB focuses solely on architectural and design standards, the PAB evaluates conditional use criteria, and the City Council determines the validity of the proposed use.

Public Comment: None.

MOTION by Kramer to APPROVE ITEM 14.C AT FIRST READING subject to the following change to Section 2-552 (d) “The planning advisory board shall have the power and the duty, upon the request from the city council, to prepare and recommend to the city council for adoption a comprehensive plan for the physical better development of the city,” and to perfect it.” This motion was seconded by Petrunoff and carried 5-2, all Members present and voting (Penniman-yes, Kramer-yes, Hutchison-no, Christman-no, Barton-yes, Petrunoff-yes, Heitmann-yes).

[Agenda Memorandum](#)
[Ordinance](#)

15) SECOND READING ORDINANCES

None.

16) PUBLIC COMMENTS

None.

17) COMMUNICATIONS FROM MAYOR, CITY COUNCIL, AND STAFF

Council Member Christman provided context on the recent cancellation of the October 9 Community Redevelopment Agency (CRA) meeting, explaining that no action items were ready for consideration. He said upcoming CRA matters include the 60 percent design approval for the 10th Street and 1st Avenue South infrastructure project, the 5th Avenue South infrastructure contract, and redevelopment options for the City's 10th Street property. The next CRA meeting is scheduled for December 4th, he announced.

Council Member Kramer expressed concern about the length of City Council meetings, comparing them to shorter meetings held by other municipalities. He encouraged Council Members to complete their research and ask questions of staff or petitioners in advance to ensure more efficient meetings and avoid unnecessary costs for applicants and staff. He said the City Council should serve as an example for advisory boards by maintaining focused discussions and adhering to prepared agendas.

Council Member Petrunoff shared three items. First, she utilized an electronic presentation to reveal details of a potential opportunity to acquire property at 1500 Gulf Shore Boulevard North, across from Lowdermilk Park, as additional green space. She noted the parcel's proximity to the beach, its nearly one-acre size, and its potential to expand parkland in the Miracle Mile area. She suggested staff explore acquisition options, including land swaps, or tax incentives. City Manager Gary Young confirmed the listed price was \$18.5 million.

Consensus reached to direct staff to research possible options and costs of purchasing the property at 1500 Gulf Shore Boulevard North.

Second, Council Member Petrunoff reported discussions with Flood Panel experts, Director of Building Services Stephen Beckman and Floodplain Coordinator Robert Dorta about scheduling a public meeting at the Norris Center to update residents on the flood panel program. She said the meeting would cover permit turnaround times, incomplete submissions, engineering

requirements, and examples of proper installations. Mayor Heitmann expressed support for a recorded, publicly noticed town hall to ensure broad access to the information.

Finally, Council Member Petrunoff proposed future discussions on the Fifth Avenue South Overlay District, noting it was created during the recession to encourage business by allowing outdoor dining and reduced parking requirements. She suggested the City Council consider whether the overlay remains appropriate given current conditions and explore ways to delegate more routine administrative approvals to staff to reduce repetitive City Council agenda items.

Council Members proposed enforcing the five-minute speaking rule and using a timer or technology to mute microphones after the limit, allowing extensions at the Mayor's discretion. Vice Mayor Hutchison emphasized that detailed discussion could improve City Council decisions, citing that day's Old Naples Hotel traffic review.

Vice Mayor Hutchison reported that Brookfield Properties Retail Group, owner of Coastland Center Mall, may consider selling or redeveloping the property. He recommended that City representatives monitor the situation to ensure the City remains informed and can provide input if redevelopment occurs. Mayor Heitmann and City Manager Young agreed to schedule a meeting with Brookfield representatives to discuss future plans.

City Attorney Matthew McConnell requested City Council consensus to retain outside counsel on a contingency basis for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) settlement claims, with any future decisions returning to Council.

Consensus reached to direct the City Attorney to work with the City Manager and engage with outside legal counsel to assist in possible PFAS settlement claims.

City Manager Young noted heavier upcoming agendas. Mayor Heitmann expressed concern regarding a recent rooftop proposal, stating that testimony describing it as a "private club" was misleading and lacked transparency. She noted the loss of public parking associated with such uses and requested staff review the policy and determine whether criteria should be established for future proposals. City Attorney McConnell confirmed the existing rooftop provision sunsets in 2026 and will become nonconforming unless renewed. He said he would review the text amendment language to confirm the automatic expiration.

Council Member Petrunoff restated interest in reviewing overlay districts, emphasizing that incentives such as free parking may no longer be appropriate given current conditions. City Manager Young said the matter will be included among upcoming City Council priorities for discussion at the October 15, 2025 Regular City Council meeting.

[Lowdermilk Park \(B. Petrunoff/Added Attachment\)](#)

18) ADJOURNMENT

4:43 p.m.

Teresa Lee Heitmann, Mayor

Patricia L. Rambosk, City Clerk

Meeting clerked by:

Jessica R. Rosenberg, Deputy City Clerk

Minutes prepared by:
Dave Horton, Executive Assistant

Minutes Approved: 12/3/2025.