



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – December 10, 2025 – 8:33 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
Matthew McConnell, City Attorney
Phillip Pennington, Fire Chief

Erica Martin, Planning Director
Tasheema Lewis, Senior Planner
Jessica Hernandez, Deputy City Clerk

Others Present:

Tim Reed
Vincent Keeyes
Irvan Stallworth
Paul Hiltz
Stacy Vermylen
Francesca Passidomo
Timothy McCarthy
Norman Trebilcock
Rick Dudi
Clay Brooker
Mark Graffin
Karyn Larson
Sean Murphy
David Jadon
Odelsa Dickman
Peter Patterson
Charissa Dines
Nancy Hannigan
Cathy Orem
Stacy Kostoulas
Joyce Edge

Donna Adan
Jessie Connelly
Pamela Cunningham
Jacqueline Roque De Escobar
Ashley Jenkins
Andrea Werder
Caroline Tanner
Jon Maines
Mary Agler
Joseph Agler
Linda Spano
Richard Schroder
Don Braswell
Anthony Thomas
Fay Greystone
John Meoh
John Strand
Greg Dougherty
Mary Pulzi
Darren Aquino
Teresa Melone
Jay Kohlhausen

2) INVOCATION AND PLEDGE OF ALLEGIANCE

Tim Reed, Pastor at Fairway Bible Church, gave an invocation and led in the Pledge of Allegiance.

3) SET AGENDA

City Manager Gary Young announced that a supplement to the agenda had been issued to include a revised Affidavit of Sign Posting for Item 11.B and additional correspondence for Items 11.C and 11.D, with the same document included in the record of each item.

City Attorney Matthew McConnell stated that the Executive Session scheduled for Item 13.A would need to be removed from the agenda due to a scheduling conflict but that the Executive Session for Item 13.B would remain.

MOTION by Christman to SET AGENDA, accepting Supplement 1 and removing Item 13.A; seconded by Kramer 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 the 29th Annual Reverend Dr. Martin Luther King, Jr. Parade and Celebration.

Mayor Heitmann presented a proclamation recognizing the 29th Annual Reverend Dr. Martin Luther King, Jr. Parade and Celebration. Vincent Keeys, President, Collier County Branch of the National Association for the Advancement of Colored People (NAACP), accepted the proclamation and offered remarks.

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

4.B) Proclamation for The Trinity Life Foundation Reverend Dr. Martin Luther King, Jr. Prayer Breakfast Day.

Mayor Heitmann presented a proclamation recognizing January 16, 2026 as the Trinity Life Foundation Reverend Dr. Martin Luther King, Jr. Prayer Breakfast Day. Irvan Stallworth, Pastor at Trinity Life Foundation, accepted the proclamation and offered remarks.

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

4.C) Update from Naples Comprehensive Health (NCH), CEO Mr. Paul Hiltz.

Paul Hiltz, President and CEO of Naples Comprehensive Health (NCH), utilized a presentation to provide an overview of the strategic advancements under the Vision 2030 Plan aimed at retaining local patients in Collier County; recent facility expansions including a new urgent care center and future hospital site in Ave Maria, a new specialty facility in Marco Island, and an upcoming women and childrens care wing at the North Campus; the June opening of HSS at NCH, a state-of-the-art orthopedic hospital; construction progress on the downtown Schultz Heart Center; increased investment in outpatient and minimally invasive care; ongoing rebranding efforts; expanded graduate medical education training; active clinical trials, including cancer trials with Northwestern University; development of a nationally accredited simulation center; strategic use of Artificial Intelligence (AI), including the first U.S. hospital to use AI to detect cardiac inflammation; initiatives addressing projected physician shortages; and leadership development efforts reducing physician turnover below five percent.

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

5) PUBLIC COMMENTS

The following individuals urged City Council not to settle Naples Pride v. City of Naples and/or spoke in opposition to Naples Pride hosting events in Cambier Park: **Donna Adan; Pamela Cunningham; Jacqueline Roque De Escobar; Andrea Werder; Ashley Jenkins; Jon Maines; Mary Alger; Joseph Alger; Linda Spano; Richard Schroder; Don Braswell; Anthony Thomas; Fay Greystone; John Meoh; John Strand; Mary Pulzi; Darren Aquino; Teresa Melone; and Jay Kohlhausen.** The following individuals were absent when called: **Caroline Tanner and Joyce Edge.** **Jessie Connelly** ceded her time to Donna Adan and **Cathy Orem** ceded her time to Jay Kohlhausen.

APPROVAL OF CONSENT AGENDA

MOTION by Kramer to APPROVE THE CONSENT AGENDA; 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 November 17, 2025 Workshop Meeting Minutes and the November 19, 2025 Regular Meeting Minutes.

[Agenda Memorandum](#)  [November 17, 2025 Workshop Meeting Minutes](#) 
[November 19, 2025 Regular Meeting Minutes](#) 

7) RESOLUTIONS

- 7.A) **RESOLUTION 2025-15782** A Resolution Amending the Fiscal Year 2025-26 Budget of the City of Naples Adopted Pursuant to Resolution 2025-15701 to Appropriate Funds From the State Confiscation Trust Fund (Florida Contraband Forfeiture Act) and the Federal Confiscation Trust Fund (Federal Equitable Sharing Program) for Law Enforcement Related Items; Authorizing the City Manager to Manage the Accounting for These Funds; and Providing an Effective Date.

Title of the Resolution not read.

[Agenda Memorandum](#)  [Resolution](#) 
[2025-15701 Resolution - FY2025-26 Adopted Budget](#) 

- 7.B) **RESOLUTION 2025-15783** A Resolution Approving a First Amendment to Professional Services Agreement (“Piggyback”) with Motorola Solutions, Inc., for the Purchase of Fifty-Four (54) Vigilant License Plate Recognition (LPR) Cameras, Including Installation, Device License Fees, and a Four-Year Extended Warranty Together with Five (5) Years of Service and Support for the New Cameras and the Existing Twenty-Five (25) Vigilant Cameras Purchased in 2024, in the Amount of \$1,160,740.90; Including Additional Standardized Contract Terms Required by the City; Authorizing the City Manager to Execute the First Amendment to Professional Services Agreement (“Piggyback”); and Providing an Effective Date.

Title of the Resolution not read.

[Agenda Memorandum](#)  [Resolution](#) 
[Naples PD-LPR \(Full Replacement\) 3-Year Proposal](#) 
[2024-15452 Resolution - Motorola Vigilant LPR](#) 
[Motorola Piggyback First Amendment](#) 

- 7.C) **RESOLUTION 2025-15784** A Resolution Approving a Right-of-Way Use Agreement between the Gulfshore Playhouse, Inc. and the City of Naples for Installation of a Monument Sign within the Public Drainage Easement at 100 Goodlette-Frank Road South on Property Owned by the Gulfshore Playhouse, Inc., More Fully Described Herein; Authorizing the City Manager to Execute the Agreement; and Providing an Effective Date.

Title of the Resolution not read.

[Agenda Memorandum](#)  [Resolution](#)  [Right-of-Way Use Agreement](#) 
[Right-of-Way Application](#)  [Plans](#)  [Easement O.R. 1029 pg 58-59](#) 
[Survey](#)  [Plat](#) 

- 7.D) **RESOLUTION 2025-15785** A Resolution Approving a Settlement in Compagnone, Richard v. City of Naples, Case N. 2023-CA-003045, Pending in the Twentieth Judicial Circuit Court in and for Collier County, Florida; Authorizing the City Manager to Execute all Necessary Documents; Providing for Scrivener’s Errors; and Providing an Effective Date.

Title of the Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[Settlement Agreement](#)

8) OTHER

None.

END OF CONSENT AGENDA

9) PUBLIC HEARINGS

None.

REGULAR AGENDA

10) ITEMS PULLED FROM CONSENT AGENDA

None.

11) LAND USE MATTERS

- 11.A) RESOLUTION 2025-15786 A Resolution Determining Petition 25-V6, Relating to a Variance Pursuant to Section 56-41 of the Code Of Ordinances, City Of Naples, to Allow a Home Generator to Encroach Approximately Three and a Half Feet into the Required Minimum Rear Yard Pursuant to Section 58-176 of the Code of Ordinances, City of Naples, for the Property Owned by Stacy B. Vermilyen Declaration of Trust, and Located at 255 1st Avenue North, More Fully Described Herein; and Providing an Effective Date.**

City Attorney Matthew McConnell read the title of the Resolution. 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, Christman, Hutchison, and Heitmann / were familiar with the site but had not had contact with the petitioner; Barton and Kramer / had communicated with staff; and Petrunoff / was familiar with the site and had spoken with both the petitioner and staff.

Petitioner Stacy Vermilyen utilized an electronic presentation to provide an overview of the variance request to allow a generator to encroach approximately three and a half feet into the required minimum rear yard on her property located at 255 1st Avenue North, which included background on the home's architectural design, water runoff considerations, a description of the property's rear garden and existing air conditioning platform, and the proposed location of the generator. She noted that the proposed location, adjacent to the existing air conditioning platform and a propane tank in the northwest rear portion of the lot, would be fully screened by landscaping, and not visible from the alley. Petitioner Vermilyen noted that alternative placement options considered were less practical due to Federal Emergency Management Agency (FEMA) and City safety guidelines, adding that the only code-compliant location would have required removing mature trees from the rear garden which she and her neighbors opposed. She noted that adjacent neighbors, Parker and Miles Collier, had submitted letters of support.

Vice Mayor Hutchison asked the petitioner to clarify the timeline of the homes construction and the reason for not including a generator in the construction plans. In response, Petitioner Vermilyen explained that when the home was built in 2009, regulations were less strict and her experience with hurricanes was limited, but recent storms and power outages underscored the need for a generator.

Senior Planner Tasheema Lewis reviewed the staff report. She explained the property's reconstruction in 2009, the subsequent code amendment prohibiting mechanical equipment in required yards, and the distinction between allowable side yard encroachments for older homes versus the rear yard encroachment requested in this petition. She noted that staff found Threshold Criteria Two, Three, Four, Six, and Seven, along with Additional Criteria One, Two, Three, and Five, to be met; Additional Criteria Four to be not applicable; and Threshold Criteria One and Five not substantially met. She stated that, if approved, staff recommended conditions limiting the encroachment to no more than three and a half feet, requiring full screening with landscape or fencing, and ensuring any future expansion would require a new variance petition. She added that the Planning Advisory Board (PAB) considered the petition on November 12, 2025, and recommended approval by a vote of six to zero with staff conditions as well as a third condition requiring installation of noise-mitigation mechanisms. Planning Director Erica Martin

noted that the PAB had not specified what could be utilized for noise-mitigation mechanisms, suggesting that it could be landscaping or fencing.

Council Member Petrunoff stated that, given the frequency of hurricanes and the City's significant investment in resiliency, requests such as this will likely increase and should be discussed at a future workshop to determine how best to address them. Council Member Christman emphasized the need to revise the City's variance ordinance, expressing the view that it was originally intended for larger developments and is not suited for minor residential requests like generator placements. Planning Director Martin confirmed a workshop discussion regarding generators would be scheduled for March to address these recurring issues.

Public Comment: None.

MOTION by Kramer to APPROVE RESOLUTION 2025-15786 subject to the conditions included therein; seconded by Penniman and carried 6-1, all Members present and voting (Christman-yes, Barton-yes, Kramer-yes, Petrunoff-yes, Penniman-yes, Hutchison-no, Heitmann-yes).

[Agenda Memorandum](#)  [Resolution](#)  [PAB Staff Report](#)  [Application](#) 
[Disclosure of Interest - Property owner](#)  [Warranty Deed](#)  [Survey](#) 
[Architectural Plans](#)  [Credentials - Staff](#)  [Public Notice Mailing Addresses](#) 
[Correspondence](#)  [Affidavit of Sign Posting](#)  [Petitioner's Presentation - 25-V6](#) 

11.B) RESOLUTION 2025-15787 A Resolution for the Purpose of Determining Outdoor Dining Petition 25-OD19 Pursuant to Section 56-126 of the Code of Ordinances, City of Naples, to Allow Outdoor Dining on Public Property Consisting of Seven Tables, 18 Chairs, Six Umbrellas, and Two Heaters, and Outdoor Dining on Private Property Consisting of Six Tables, 30 Chairs, and Two Heaters for Chops City Grill, a Restaurant Operated by Phelan Chops Naples #133, LLC, a Florida Limited Liability Company, Located at 837 5th Avenue South, More Fully Described Herein; Providing Findings and Conditions; and Providing an Effective Date (Supplement 1/Updated Item).

City Attorney Matthew McConnell read the title of the Resolution. 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 / familiar with the site, and had spoken with staff but had not had any other contact; Barton, Christman, Kramer, and Petrunoff / were familiar with the site and had spoken with staff; Hutchison / was familiar with the site, and had patroned the business but had not had any contact; and Heitmann / had visited the site and had met with staff.

Francesca Passidomo, petitioner's agent and Attorney at Coleman, Yovanovich, & Koester stated that the purpose of the request was to address a minor modification to the life safety plan for the existing outdoor dining plan, adding one table and 10 chairs in the villa area, all located on private property.

Senior Planner Tasheema Lewis reviewed the staff report, noting that the petition requests approval to maintain outdoor dining on public property consisting of seven tables, 18 chairs, six umbrellas, and two heaters, and to amend the existing outdoor dining configuration on private property within the pedestrian via by adding one additional table and 10 chairs, resulting in a total of 13 tables, 48 chairs, six umbrellas, and four heaters. She explained that the life safety plan had been reviewed and approved by the City's Fire Marshal. Senior Planner Lewis noted that staff found that the standards for approval had been met, and she reviewed staff's conditions included in the Resolution.

In response to Mayor Heitmann, Planning Director Erica Martin confirmed that the seven tables and 18 chairs located on public property had been previously approved and would remain unchanged. She noted that the proposed Resolution would both affirm the existing outdoor dining

on public property and approve the requested modification on private property. Planning Director Martin confirmed that the Life Safety Plan demonstrates sufficient clearance with no encroachment into the front entrance.

Public Comment: None.

MOTION by Kramer to APPROVE RESOLUTION 2025-15787 subject to the conditions including; 1. The outdoor dining areas shall be limited to 514 square feet with a maximum of 7 tables, 18 chairs, 6 umbrellas, and 2 heaters on public property and 697 square feet with a maximum of 6 tables, 30 chairs, and 2 heaters on private property as configured on the approved Life Safety Plan prepared by MHK Architecture and Planning and dated November 18, 2025. Any future expansion, modification or enhancement of this outdoor dining use shall require City Council approval. 2. Travel distances as approved by the Life Safety Plan shall remain free and clear from all obstructions whether temporary or permanent to allow safe pedestrian mobility; seconded by Penniman 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 - Property owner](#)  [Disclosure of Interest - Business owner](#) 
[Warranty Deed](#)  [Survey](#)  [Legal Description](#)  [Life Safety Plan](#) 
[Credentials - Petitioner](#)  [Credentials - Staff](#)  [Public Notice Mailing Addresses](#) 
[Affidavit of Sign Posting \(Supplement 1/Revised Attachment\)](#) 
[Petitioner's Presentation - 25-OD19](#) 

It is noted for the record that: 1) recess from 11:24 a.m. to 10:35 a.m.; 2) all members were present when the meeting reconvened, except for Council Member Christman, who returned at 10:37 a.m., prior to disclosures; 3) Items 11.C and 11.D were considered concurrently; and 4) the proceeding for Items 11.C and 11.D was suspended from 12:48 p.m. until 2:23 p.m. to consider Item 13.B, however the record of the proceeding is reflected in its entirety below.

- 11.C) **RESOLUTION 2025-15788** A Resolution Determining Conditional Use Petition 25-CU6 Pursuant to Section 46-34 of the Code of Ordinances, City of Naples, Approving Off-Site Parking within 600 Feet Pursuant to Section 50-102(b)(2) of the Code of Ordinances, City of Naples, and Approving a Parking Needs Analysis Pursuant to Section 50-107 of the Code of Ordinances, City of Naples, for the Properties Located at 1148 3rd Street South, Owned by Olde Naples Building LLC, A Florida Limited Liability Company, and 375 Broad Avenue South, Owned by Triple “A” Building LLC, A Florida Limited Liability Company, More Fully Described Herein; and Providing an Effective Date (Supplement 1/Updated Item).
- 11.D) **RESOLUTION 2025-15789** A Resolution Determining Outdoor Dining Petition 25-OD18 Pursuant to Section 56-126 of the Code of Ordinances, City of Naples, to Allow Fifteen (15) Tables and Seventy-Six (76) Chairs on Private Property for a New Restaurant in the Olde Naples Building Within the Third Street Commercial Area Special Overlay District on the Property Owned by Olde Naples Building, LLC, a Florida Limited Liability Company, Located at 1148 3rd Street South, More Fully Described Herein; Providing Findings and Conditions; and Providing an Effective Date (Supplement 1/Updated Item).

City Attorney Matthew McConnell introduced Items 11.C and 11.D and asked City Council whether it wished to consider the items separately or have one concurrent presentation and discussion, followed by two separate motions.

Consensus reached to consider Items 11.C and 11.D concurrently (Christman not present).

City Attorney McConnell read the title of the Resolutions. 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, had not had contact with the petitioner, but had spoken with staff; Barton / was familiar with the site, and had communications with staff; Christman / was familiar with the site, had not had contact with petitioners or petitioner's representatives, had reviewed emails received from interested parties, and had conversations with staff; Kramer / was familiar with the site, had spoken with staff, and received emails; Petrunoff / was familiar with the site, had discussions with staff, and had received many emails; Hutchison / was familiar with the site, had received emails, and had not had contact with the petitioner or petitioner's agent; Heitmann / was familiar with the site, had met with staff, and had reviewed many emails.

Timothy McCarthy, Managing Principal and Architect at Hart Howerton stated that his firm has served as architect of record for the Olde Naples Building for seven years and has worked with City staff through the permitting process, including prior approvals for repair and maintenance. Using an electronic presentation, he provided historical background on the building and explained that it is a contributing historic resource within the Third Street South Historic District.

Architect McCarthy explained that the applications were submitted pursuant to the Land Development Code to support continued use of the building. He outlined three requests before the City Council: approval of outdoor dining under Section 56-126, approval of off-site parking under Section 50-102(b)(2) and (3), and approval of a Parking Needs Analysis under Section 51-07. He stated that the project team reviewed prior City Council discussions regarding off-site parking and parking analyses and revised the applications to address those comments. He added that the team remains committed to the Special Magistrate's recommended outdoor dining area of 2,315 square feet. Architect McCarthy stated that the proposed outdoor dining is entirely on private property and does not encroach into the public right-of-way. He said the proposal meets applicable Code criteria, including zoning compatibility and public safety, and that the Fire Department approved the Life Safety Plan and egress. He stated that the outdoor dining requires seven parking spaces under the Code and that on-site parking is not feasible due to parcel size and historic constraints. Architect McCarthy explained that off-site parking is proposed at 375 Broad Avenue South, approximately 350 feet away and within the Code-allowed distance, on a parcel under the same beneficial ownership. He noted that a recorded parking agreement would restrict future uses that increase parking demand.

Certified Planner, Traffic Engineer, and Professional Traffic Operations Engineer Norman Trebilcock from Trebilcock Consulting Solutions presented the Parking Needs Analysis stating that the Parking Needs Analysis was prepared in coordination with City staff, complied with Code requirements, and evaluated peak-season, peak-period demand based on two weeks of field observations. He reported that the art gallery's observed peak demand was seven spaces and that the outdoor dining also requires seven spaces under the Code. He stated that the off-site lot contains fifteen spaces, which can accommodate both uses, and that recommended measures include restriping, lighting, signage, parking management controls, and leasing restrictions. He noted that future tenant changes would be evaluated for compliance and concluded that adequate parking is available.

Architect McCarthy summarized that the testimony and application materials demonstrate compliance with the Land Development Code for outdoor dining, off-site parking, and approval of the Parking Needs Analysis. He stated that all required criteria have been met, including the parking ratio of three spaces per 1,000 square feet, and that Agenda Items 11.C and 11.D address City Council feedback provided in February.

Rick Doody, owner of NCR Ventures, provided details of the proposed restaurant, describing the restaurant as a high-end concept designed to complement the historic building and district. He said outdoor dining is essential to financial viability, that the reduced 2,315 square-foot outdoor

dining area is workable, but further reductions would threaten feasibility, and that the operation would emphasize spacing, comfort, and guest experience.

Mayor Heitmann expressed concern about restaurants encroaching into required walkways. Owner Doody responded that the proposed fine-dining concept would avoid encroachment and require more space per seat than casual dining, with an emphasis on comfort and careful operations. Mayor Heitmann asked whether the Parking Needs Analysis accounted for evening use. Engineer Trebilcock stated observations extended through 7:00 p.m., and the property manager noted the art gallery closes at 5:00 p.m.

Mayor Heitmann asked how patrons would access the off-site lot. Traffic Engineer Trebilcock stated access would be via the public alley, with signage and reservation platforms providing directions. When asked about employee parking, he stated the Code does not distinguish between employee and patron parking and staffing levels would be determined later.

Mayor Heitmann questioned whether a recorded parking agreement was required and whether dedicating spaces could limit future uses. Architect McCarthy stated a recorded agreement would be a condition of approval and would restrict future changes increasing parking demand. City Attorney McConnell advised that recording the agreement against the property provides the City's strongest protection and noted similar agreements have been used elsewhere.

Planning Director Erica Martin reviewed the staff report. She stated the Planning Advisory Board (PAB) voted 4 to 3 to recommend denial due to insufficient parking, but staff found the conditional use criteria were met with conditions. Those conditions included recording the parking agreement prior to outdoor dining, establishing off-site parking hours, preventing nuisance impacts, ensuring noise compliance, providing minimum safety lighting and signage, and keeping all 15 off-site spaces unobstructed. She noted access is via 3rd Street South and the alley and confirmed Fire Department approval of the life-safety plan.

Council Member Christman asked about the condition addressing forfeiture of vested parking credits. Planning Director Martin explained that if credited building area is demolished, the associated parking credits are forfeited, the nonconforming area cannot be replaced, and additional parking would be required to maintain prior capacity. Council Member Christman also questioned how the same table and chair count could fit within a smaller outdoor area. Planning Director Martin stated the Fire Department review confirms life-safety spacing and egress, while aesthetics are not evaluated.

Council Member Christman asked Owner Doody about the project timeline. He responded that the schedule is uncertain due to permitting and building work and that no firm opening date is available. He stated the interior plan is still being developed and that feasibility depends on sufficient indoor, air-conditioned seating, estimating approximately 120 indoor seats plus bar seating. Regarding parking assumptions, he stated there is no fixed vehicle-to-patron ratio, noting that many patrons walk or use rideshare services, particularly during season. Council Member Christman expressed concern that although the outdoor dining area was reduced, the table count remained unchanged and off-site parking was limited to seven spaces.

Council Member Christman asked whether approvals could be tied to the restaurant operator. City Attorney McConnell stated the outdoor dining permit is operator-specific and would require City Council review if the operator changes, but she did not recommend tying the conditional use approval to the operator because it addresses separate off-site parking standards.

Council Member Penniman asked about indoor dining and parking. Planning Director Martin explained that indoor dining was not before the City Council that day and would instead be reviewed through the building permit process. She added that the indoor component would require Fire Marshal approval. She explained the parking requirement for indoor restaurant use

is one space per 100 square feet of gross floor area and noted that indoor use is limited by the 76 parking credits established by final judgment.

Council Member Penniman expressed concern that there was insufficient information regarding the indoor dining program and parking demand and noted she felt she lacked clarity regarding the overall parking impacts. Architect McCarthy clarified that City parking regulations are based on gross floor area rather than seat count and that the ordinances under consideration related only to the conditional use for off-site parking and the outdoor dining request. Planning Director Martin explained that future changes to the interior layout could occur if consistent with life safety requirements and within the approved square footage, and that permitting and life safety approvals would govern those changes.

Mayor Heitmann asked whether City building permits are governed by different codes other than State standards. Planning Director Martin responded that permitting involves the Florida Building Code, the fire prevention and life safety codes, and zoning regulations, which function together, and she referenced that local amendments may apply in limited areas such as floodplain regulations. City Attorney McConnell explained that the indoor component would ordinarily be handled administratively through the permitting process and was not the subject of the public hearing. He advised the items before the City Council were limited to the conditional use request and the outdoor dining request, and that the record would reflect those matters.

Vice Mayor Hutchison asked whether the off-site lot qualifies as off-street parking and inquired about pedestrian access standards, including safe ingress and egress between the parking area and the restaurant. Planning Director Martin explained that patrons would access the lot via the alley from 3rd Street South and use the same route to return, avoiding travel across private property. Staff stated that the alley is usable but did not confirm specific surface conditions.

Vice Mayor Hutchison also asked whether tenant operating hours at 375 Broad Avenue South could change and affect parking availability. Planning Director Martin explained that the Parking Needs Analysis is based on observed parking demand, not time-of-day offsets, and determined that the art gallery does not require the seven parking spaces proposed for allocation to the Olde Naples Building at any time. She noted that while future development in the area may increase demand, the focus of the request is limited to outdoor dining.

Planning Director Martin explained that the parking lot at 375 Broad Avenue South is private, restricted by signage, and not available for general public use. She added that the parking lot is shared by both gallery patrons and employees, with no spaces reserved exclusively for staff.

In response to questions about access controls, Architect McCarthy explained that a gate is not required but could be implemented as a remedy if needed. He noted that a sliding gate along the property line was identified as feasible without blocking spaces or the alley. He explained that, if implemented, access could be managed through signage or a QR-code system tied to restaurant reservations. Vice Mayor Hutchison commented that such measures could effectively manage the designated seven spaces if necessary.

Council Member Barton asked staff to reconcile the Planning Advisory Board's 4 to 3 denial based on insufficient parking with staff's finding that Code standards were met. Planning Director Martin explained that the Code requires three spaces per 1,000 square feet of outdoor dining and that the applicant met this requirement by providing seven off-site spaces through the Parking Needs Analysis. She noted that the PAB's concern reflected practical parking conditions rather than Code compliance, and confirmed that, from a staff perspective, the proposal meets all Code requirements.

Council Member Kramer stated that the indoor parking allocation of 76 spaces was resolved through prior litigation and is not before the City Council that day. He noted that a previous City

Council found a workable solution to bring the project into compliance and commended that effort. He stated that concerns regarding valet operations, alley use, and walking distance were not unusual in Naples and are consistent with common practices. He emphasized that the City Council's role is to apply the Code, not to evaluate business models or user behavior, and concluded that the applicant met all applicable requirements. He stated that, regardless of individual preferences, the proposal complied with City standards and should move forward.

Council Member Petrunoff questioned whether the off-site parking provision applied, given the property's prior uses and vacancy, and sought clarification that the proposal was not considered new development under the Code. She noted that the Parking Needs Analysis showed sufficient capacity to allocate seven surplus spaces for outdoor dining and acknowledged that City Council retains discretion to review adequacy. She expressed practical concerns about seasonal congestion, the intuitiveness of the parking location, and how access would function for non-reservation patrons, while recognizing that Code remedies exist if parking management measures become necessary.

Public Comment: The following individuals expressed support for Items 11.C and 11.D: **Karen Larson** and **Sean Murphy**.

Mayor Heitmann asked how the staff report addressed Comprehensive Plan consistency and residential impacts. Planning Director Martin responded that the conditional use criteria include buffering and neighborhood compatibility, and that staff recommended conditions due to the change from daytime gallery parking to restaurant-related parking with extended hours. She summarized conditions addressing hours of operation, prevention of nuisance impacts, patron compliance with noise standards under Section 22-37, minimum safety lighting, and directional signage.

Mayor Heitmann stated she could not support approval due to insufficient detail on lot improvements, lighting, and as-built conditions, and raised concerns regarding shared parking documentation and valet. Planning Director Martin stated, and City Attorney McConnell confirmed, that valet is not approved and would require separate City Council approval.

City Attorney McConnell explained that the off-site parking agreement would include the City as a party, consistent with prior agreements, and would use a standard City template. He clarified that the current application is not under court jurisdiction, although earlier denials related to the property are under appeal.

Vice Mayor Hutchison requested clarification on the PAB's denial basis. In response, Planning Director Martin clarified that the PAB found the proposal insufficient because it relied on seven off-site spaces and did not provide dedicated on-site parking spaces for the outdoor dining. She noted the petitioner's parking needs analysis was based on observation that seven of the 15 spaces at the off-site lot were generally available, but the PAB determined the overall off-site parking proposal was insufficient. City Attorney McConnell confirmed the nonconformity relates to the building's lack of on-site parking, and denial must be based on Code criteria. Vice Mayor Hutchison stated he could not support approval based on ingress/egress and pedestrian safety and convenience, and adequacy and proximity of off-street parking.

Council Member Kramer stated that staff found that the criteria had been met, conditions address concerns, and denial could increase litigation risk. Council Member Christian stated the proposal is not ideal but appears to meet the standards, the petitioner followed prior City Council direction to obtain off-site parking and a parking needs analysis, and he supported moving forward. Additional Council Member comments supported approval subject to conditions, noting the historic significance of the building and the improvements proposed.

Architect McCarthy stated the proposal meets the Code's objective requirements, including the 600-foot off-site parking standard and the outdoor dining parking ratio, and described lighting and safety measures. Applicant's counsel Mark Grafton from the Shubin Law Group, stated two pending appeals relate to the 2023 outdoor dining denial and would be dismissed if today's approvals become final. He requested clarification to remove carry-over language in Condition 6. Planning Director Martin and City Attorney McConnell agreed to modify Condition 6 of the Outdoor Dining Resolution to end after approval of the conditional use petition, with Condition 5 addressing the parking credits and final judgment.

Vice Mayor Hutchison questioned the language in Condition No. 6 of the Resolution requiring the building to remain in the same condition as when the 76 parking spaces were vested and asked about potential unintended consequences if that language were removed. City Attorney McConnell explained the provision was carryover language, that Condition No. 5 already preserves the 76 parking credits pursuant to the final judgment, and that the City should not restrict future building modifications. Attorney Grafton, confirmed no demolition has occurred and that demolition is not part of the pending litigation.

Mayor Heitmann expressed concern that the off-site parking does not clearly meet the 600-foot standard, requires access through a passive alley with safety concerns, and increases intensity of use adjacent to residential properties. She stated that additional lighting and restaurant operations could negatively impact nearby neighbors and, despite acknowledging efforts to secure parking, concluded the proposal does not adequately address residential impacts or align with the Comprehensive Plan.

MOTION by Kramer to APPROVE RESOLUTION 2025-15788 subject to the conditions included therein; seconded by Barton and carried 5-2, all Members present and voting (Christman-yes, Petrunoff-yes, Barton-yes, Kramer-yes, Hutchison-no, Penniman-yes, Heitmann-no).

MOTION by Kramer to APPROVE RESOLUTION 2025-15789 subject to amending Condition No. 6 as follows: "...approving Conditional Use Petition 25-CU6, as well as the building remaining in the same condition as when the 76 parking spaces were vested, pursuant to the Final Judgment, dated June 26, 2018.; seconded by Barton and carried 5-2, all Members present and voting (Penniman-yes, Hutchison-no, Petrunoff-yes, Barton-yes, Christman-yes, Kramer-yes, Heitmann-no).

11.C Attachments

[Agenda Memorandum](#)  [Resolution](#) 
[Permit PRAD2004953 Page A0.03 - Olde Naples Building](#)  [Staff Report](#) 
[Application](#)  [Deeds](#)  [Disclosures of Interest](#)  [Aerial Combined](#) 
[Life Safety Plan - Olde Naples Building](#) 
[Parking Needs Analysis - Olde Naples Building](#) 
[375 Broad - Parking Exhibit Site Plan](#)  [Credentials - Petitioner](#) 
[Credentials - Planning Department](#)  [Public Notice Mailing Addresses](#) 
[Affidavit of Sign Posting 10.15.2025 CC Meeting](#)  [Correspondence](#) 
[Additional Correspondence Received 10082025](#) 
[Petitioner's Presentation - Olde Naples Building - 25-CU6 & 25-OD18](#) 
[Affidavit of Sign Posting 12.10.25 CC Meeting](#) 
[Additional Correspondence \(Supplement 1\)](#) 

11.D Attachments

[Agenda Memorandum](#)  [Resolution](#) 

[Permit PRAD2004953 Page A0.03 - Olde Naples Building Application](#)
[Disclosure of Interest - Property Owner](#)
[Disclosure of Interest - Petitioner](#) [Deed](#) [Survey](#)
[Life Safety Plan - Olde Naples Building Outdoor Dining](#)
[Landscape Plan - Olde Naples Building Planting Plan](#)
[Parking Needs Analysis - Olde Naples Building](#) [Credentials - Petitioner](#)
[Credentials - Planning](#) [Public Notice Mailing Addresses](#)
[Affidavit of Sign Posting 10.15.2025 CC Meeting](#) [Correspondence](#)
[Additional Correspondence Received 10082025](#)
[Petitioner's Presentation - Olde Naples Building - 25-CU6 & 25-OD18](#)
[Affidavit of Sign Posting 12.10.25 CC Meeting](#)
[Additional Correspondence \(Supplement 1\)](#)

Item 11.D and 11.D Added Attachments

[Neapolitan Enterprises Letter \(Staff/Added Attachment\)](#)

12) OLD BUSINESS

None.

13) NEW BUSINESS

13.A) Executive Session regarding Riccardo, Theresa v. City of Naples, Case No. 24-CA-002400, 20th Judicial Circuit, in and for Collier County, Florida (12:30 p.m. Time Certain).

Removed (See Item 3).

[Agenda Memorandum](#) [Public Notice](#)

13.B) Executive Session regarding Naples Pride v. City of Naples, Naples City Council, Teresa Heitmann, Terry Hutchison, Raymond Christman, Beth Petrunoff, Bill Kramer, Linda Penniman, and Berne Barton, in their official capacities as City Council Members; Naples Police Department; and Ciro Dominguez, in his official capacity as Naples Chief of Police, Case No. 2025-CV-00291-JES-KCD, United States District Court, Middle District of Florida, Fort Myers Division. (1:30 p.m. Time Certain or Immediately following the Previous Executive Session scheduled at 12:30 p.m.).

City Attorney Matthew McConnell announced an Executive Session in case styled Naples Pride v. City of Naples, Naples City Council, Teresa Heitmann, Terry Hutchison, Raymond Christman, Beth Petrunoff, Bill Kramer, Linda Penniman, and Berne Barton, in their official capacities as City Council Members; Naples Police Department; and Ciro Dominguez, in his official capacity as Naples Chief of Police, Case No. 2025-CV-00291-JES-KCD, United States District Court, Middle District of Florida, Fort Myers Division.

The following individuals were present during the Executive Session: Mayor Teresa Heitmann, Vice Mayor Hutchison, Council Members Christman, Petrunoff, Kramer, Penniman and Barton, City Manager Gary Young, Insurance Counsel David Jadon, City Attorney Matthew McConnell, Attorney Odelsa Dickman, Attorney Peter Patterson and Charissa Dines from Dines Court Reporting.

Executive Session: 12:48 p.m. to 2:23 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

After the Executive Session, City Attorney McConnell announced that no action was necessary at that time.

[Agenda Memorandum](#) [Public Notice](#)

13.C) RESOLUTION 2025-15790 A Resolution Approving a Contractor's Services Agreement between the City of Naples and Sam Galloway Ford, Inc., a Florida Corporation, for Fleet Vehicle Purchases, Repairs and Parts, in the Amount Not-To-Exceed \$7,500,000 for a Three-Year Period Commencing December 10, 2025 and

ending September 30, 2028, with the Option to Renew for two Additional One-Year Periods; Authorizing the City Manager to Execute the Contractor's Services Agreement; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the Resolution. City Manager Gary Young reviewed the agenda memorandum and explained why the item was not placed on the Consent Agenda, citing the size of the purchase and the long history of vehicle procurement. He outlined the City's prior practice of piggybacking on Collier County's contract with Tamiami Ford, the County's recent rebid resulting in Sam Galloway Ford scoring higher, and the City's decision to issue its own Request for Proposal (RFP) to ensure fairness and competitiveness. He stated that a diverse evaluation committee was formed, that Sam Galloway Ford again ranked highest based on purchase discounts and service pricing, and that awarding the contract to Sam Galloway Ford was the most fiscally responsible option. He added that Tamiami Ford would continue to be used for certain services as appropriate and that staff would monitor performance during the contract term.

Council Member Petrunoff commended staff for going to bid rather than relying solely on piggybacking and expressed support for awarding to the highest-scoring vendor, noting the process demonstrated fairness and accountability.

Council Member Barton asked how the cost of traveling to Fort Myers for service was evaluated. City Manager Young said response times, vendor pickup and delivery, staff time, and overall cost impacts were analyzed and factored into the scoring, and that the contract allows flexibility to continue using Tamiami Ford in specific situations.

Vice Mayor Hutchison asked about parts purchasing and internal controls. City Manager Young confirmed parts could be purchased from multiple vendors, including local delivery, and that purchases would be made by purchase order under tightened controls.

Council Member Kramer asked about estimated savings. City Manager Young stated savings were driven primarily by purchase discounts, estimated in the range of approximately \$48,000 annually, subject to actual purchasing and vendor performance.

Public Comment: None.

MOTION by Hutchison to APPROVE RESOLUTION 2025-15790; seconded by Petrunoff and unanimously carried, all Members present and voting (Petrunoff-yes, Hutchison-yes, Christman-yes, Barton-yes, Kramer-yes, Penniman-yes, Heitmann-yes).

[Agenda Memorandum](#)  [Resolution](#)  [Agreement](#)  [20-028 Bid Analysis](#) 

ORDINANCES

14) FIRST READING ORDINANCES

None.

15) SECOND READING ORDINANCES

None.

16) PUBLIC COMMENTS

None.

17) COMMUNICATIONS FROM MAYOR, CITY COUNCIL, AND STAFF

Council Member Kramer stated that he reviews agenda packets, asks questions in advance, and relies on staff expertise, but does not rubber-stamp recommendations. He noted that he has voted contrary to staff recommendations in the past and has contacted petitioners when issues would not be supportable.

Mayor Heitmann stated she reads the details and noted concern with wording in departmental reviews, including "appears to meet" life-safety requirements. She stated the Comprehensive Plan and potential impacts to adjacent residential areas were important to her, and she did not

believe certain details had been fully addressed. She noted she would call staff for clarification when items give her pause and then rely on the information provided.

Council Member Petrunoff commented it is helpful to have access to the Code of Ordinances to review all policies, and noted staff may emphasize some policies over others. She suggested the City revisit the Fifth Avenue South overlay and outdoor dining provisions, including potential changes to incentives and consideration of charging for use of public space.

Council Member Christman commended the execution and success of the City's recent holiday events, including the Christmas Parade, Fill-a-Patrol-Car and tree lighting, and recognized staff for effective planning and security.

Council Member Barton addressed a recent email that all Council Members received that included a draft correspondence regarding the Naples Airport Authority Special Act Bill and asked whether it was intended to serve as talking points for the City's lobbyists. He suggested that Council Members submit any proposed revisions by responding to the email so staff could incorporate Council input into a final version. Council Members expressed the view that the lobbyists should be provided with a broad list of points rather than a narrowed list, allowing the lobbyists to determine which arguments would be most effective with various legislators. City Attorney McConnell stated he had already provided the draft letter to the lobbyists as informational talking points, and would continue to update Council Members individually during the recess as needed.

Vice Mayor Hutchison commented on the importance of City Council review of complex agenda items and discussed his general approach to variances, emphasizing accountability and adherence to the Code.

Vice Mayor Hutchison and City Manager Gary Young recognized City staff and volunteers for their efforts related to the Christmas Parade.

18) ADJOURNMENT

3:55 p.m.

Teresa Lee Heitmann, Mayor

Patricia L. Rambosk, City Clerk

Meeting clerked by:

Jessica Hernandez, Deputy City Clerk

Minutes prepared by:
Jessica Hernandez, Deputy City Clerk

with assistance by:
David Horton, Executive Assistant

Minutes Approved: 1/21/2026.