

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,  
NAPLES, FLORIDA, ON WEDNESDAY, JULY 1, 1981, AT 9:07 A.M.

Present: R. B. Anderson  
Mayor

C. C. Holland  
Harry Rothchild  
Wade H. Schroeder  
Randolph I. Thornton  
Edward A. Twerdahl  
Kenneth A. Wood,  
Councilmen

Also present: George M. Patterson, City Manager  
David W. Rynders, City Attorney  
Roger Barry, Community Development Director  
Reid Silverboard, Chief Planner  
Norris Ijams, Fire Chief  
Franklin Jones, Finance Director

Charles Andrews  
Arndt Mueller  
Philip Morse  
Edward Hannam  
Chris Bell  
Philip Sowersby  
Fred Yoder  
William Shearston  
Otus Albright  
Lyle Richardson  
Mr. & Mrs. Richard Grant  
Robert Russell  
Gilbert Weil  
Brad Estes  
William Ryan  
Anita Utter

News Media: Ned Warner, TV-9  
Todd Holzmann, Naples Daily News  
Gary Arnold, WRGI  
Susan Gardner, TV-9  
Susan Ornstein, News Press  
Dory Owen, Miami Herald  
Scott Harrison, Naples Star  
Tom Lowe, WEVU-TV

Other interested citizens and visitors

Mayor Anderson called the meeting to order at 9:07 a.m.; whereupon Councilman Ken Wood delivered the Invocation, followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson called Council's attention to the minutes of the Regular Meeting of June 17, 1981; whereupon Mr. Schroeder moved approval of the minutes as presented, seconded by Mr. Wood and carried by consensus.

AGENDA ITEM 4. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 4-a. PUBLIC HEARING and second reading of ordinance. Rezone Petition No. 81-R4  
Petitioner: Grace Lutheran Church Location: 859 Banyan Blvd. Request for a Change of Zone from "R1-15", Single-family Residential, to "PS", Public Service; in order to re-establish the Grace Lutheran Church as a conforming use in an appropriate zoning district, and to accommodate a proposed expansion to the church facility.

An ordinance rezoning Lots 85, 86 and 87, Unit #1, Coquina Sands, and vacated Pine Court lying south of Banyan Boulevard, from "R-15", Single-family Residential, to "PS", Public Service; directing that the zoning atlas be revised accordingly; and providing an effective date. Purpose: To rezone the within described property at the request of the property owner, Grace Lutheran Church, Inc.

Mayor Anderson opened the Public Hearing at 9:09 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for consideration by Council on Second Reading. Arndt Mueller, member of the Board of Directors of the Church, presented himself to answer any questions. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:10 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3793 on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 4-b. Recommendation of the Planning Advisory Board to approve: Special Exception Petition No. 81-S7 Petitioner: Grace Lutheran Church Location 859 Banyan Blvd. Request to accommodate a proposed expansion of the Church facility. (Companion petition to 4-a above.)

City Attorney Rynders read the below captioned resolution by title for Council's consideration.

A RESOLUTION GRANTING A SEPCIAL EXCEPTION TO PERMIT THE GRACE LUTHERAN CHURCH TO CONSTRUCT AN ADDITION TO EXISTING CHURCH FACILITIES AT 859 BANYAN BOULEVARD, NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved to adopt Resolution 3794, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 4-c. PUBLIC HEARING and second reading of ordinance. Change In Text  
Petition No. 81-3 Petitioner: City of Naples. Amendments to Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, changing the zoning designation of the "R3T-15", Multi-family district to "R3-15", Multi-family district; establishing a new "R3-18", Multi-family Residential zoning district, and providing district purposes, uses, and regulations relative thereto; and amending the Supplementary District Regulations to conform therewith.

An ordinance amending Appendix "A" - Zoning of the Code of Ordinances of the City of Naples by amending Section 5.7 to provide for the "R3T-15" zoning classification to be redesignated "R3-15" and to delete references to transient lodging uses and facilities; adding a new Section 5.8a, entitled "R3-18" Multi-family District; amending Section 6, "Supplementary District Regulations", and Section 14, "Definitions", by deleting references to "R3T-15" and adding "R3-15" and "R3-18" where applicable; and providing an effective date. Purpose: To change the "R3T-15" zoning classification to "R3-15" and eliminate transient lodging uses by special exception in said district; to establish a new "R3-18" Multi-family District in which transient lodging facilities would not be permitted.

Mayor Anderson opened the Public Hearing at 9:13 a.m.; where upon City Attorney Rynders read the above referenced ordinance by title for Council's consideration on Second Reading. Philip Morse, citizen, asked what areas this would effect. Roger Barry, Community Development Director, explained that it was a change in text that would affect areas presently zoned R3T-15 and create an R3-18. He responded in the negative to Mr. Morse's question about whether it affected the Naples Pier or the Old Naples area. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:16 a.m.; whereupon Mr. Schroeder moved to adopt Ordinance 3795 on Second Reading, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 5. PUBLIC HEARING and second reading of ordinances.

AGENDA ITEM 5-a. An ordinance relating to the salaries of the Mayor and City Councilmen; amending Section 2.5 of the Charter of the City of Naples; and providing an effective date. Purpose: To provide for an increase in the salary of the Mayor from \$8400.00 per year to \$12,000.00 per year, and the salary of each Councilman from \$6000.00 per year to \$9000.00.

Mayor Anderson opened the Public Hearing at 9:23 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for consideration by Council on Second Reading. Philip Morse, citizen, urged Council not to pass this ordinance. Edward Hannam, citizen, suggested that it be passed to go into effect with a new Council. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:40 a.m. Mr. Rothchild suggested that a formula be set up for the purpose of increasing Council's salary such as is set up for the County Commissioners and the School Board members rather than having the onus fall on the Council to increase their own salaries. Mr. Holland spoke in support of the increase for the same reasons he had proposed it. Mr. Twerdahl indicated that he had changed his mind about the need for the increase. Charles Andrews, citizen, expressed his opinion that the increase wasn't necessary at this time. Mr. Holland moved adoption of Ordinance 3796 on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 4-3 with Councilmen Thornton and Twerdahl and Mayor Anderson voting no.









City of Naples

725 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

June 23, 1981

M E M O

TO: George M. Patterson, City Manager  
FROM: David W. Rynders, City Attorney  
RE: Confidential Personnel Information Ordinance

As I previously discussed with you, research which I have recently undertaken in connection with the above-described ordinance has made it apparent to me that this ordinance directly conflicts with the provisions of Chapter 119, Fla. Statutes. In my view, it cannot and will not be interpreted as a mere "supplement" to that statute.

This question arose quite recently in connection with a request from the Personnel Department for advice as to compliance with the demand of the Ft. Myers News-Press for access to certain memoranda and other documents relating to disciplinary action against one of our City employees. As you are aware, under state law the refusal to make public documents available for scrutiny by members of the public is a crime. It was, therefore, of critical importance that employees of the Personnel Department receive correct and appropriate counsel on this matter.

Several pertinent decisions have been handed down by the appellate courts of this state since October, 1977, when the above-described ordinance was adopted. In addition, a recent decision by the Circuit Court for the Twentieth Judicial Circuit (which is the circuit in which we are situated) has addressed the question of local authority to "supplement" the exemptions currently provided for in Chapter 119, F.S. The thrust of each of these decisions is that local bodies may not add to the statutory exemptions from the public records law and that the Florida Legislature, and only the Florida Legislature, may "supplement" the exemptions from the public record disclosure requirement.

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Consequently, I concluded that any City employee denying access to the records requested would be committing a crime. Conversely, the City ordinance was essentially unenforceable. Violation of the City ordinance would therefore incur no penalties or consequences. As you might expect, the Personnel Department made a responsible decision and complied with the state statute requiring disclosure.

It is my recommendation that City Ordinance No. 2788, codified as Section 1A-2 of the City Code, be repealed so as to remove any possibility of future confusion or potential criminal penalty. An ordinance repealing that provision is attached for your perusal. You may place this on the Council Agenda, with a copy of this memorandum in explanation, at your convenience.

*David W. Rynders*  
David W. Rynders  
City Attorney

DWR:bh

Enc.

cc: Steve Carta, Esq.

## ATTACHMENT #2

6/23/81

DRAFT

SCOPE OF TRAFFIC ANALYSIS WORKProblem Statement

In response to a proposed connection of Crayton Road and West Blvd. north into Pelican Bay across Seagate Drive, the City of Naples Engineering Department and Traffic Coordinating Committee has proposed the following:

- a) Limiting Crayton Road to a one way northbound single lane facility with a wide sweeping curve to the east at Seagate Drive thus precluding southbound traffic from Pelican Bay using Crayton as an arterial coupled with;
- b) One way westbound control of Whispering Pine Lane with a right turn only channelization at Crayton coupled with;
- c) A full cul-de-sac on Neapolitan Way between Belaire and West Blvd.

From the City Council meeting of June 17 it is recommended that an independent review of this plan be undertaken to:

- 1) Assess the need and justification for such a program based on the projected Traffic Impact of the Pelican Bay Development on neighborhood traffic and pedestrian safety within a study area south to and including Park Shore Drive and;
- 2) If the recommended responses are found to be justified under (1) to determine the extent of negative impact the project might have relative to appreciably increasing vehicular traffic on other streets within the same study area such as Park Shore Drive, Old Trail Drive and any others.

Recommended Solution

Based upon the consultant's consideration of Item 1 and if further justified Item 2, a final recommended course for action will be presented to City Council for approval and implementation including any such recommendations involving "no action" in response to the proposed connections into Pelican Bay.