

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,  
NAPLES, FLORIDA, ON WEDNESDAY, AUGUST 5, 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  
Mark Wiltsie, Assistant to the City Manager  
Reid Silverboard, Chief Planner  
John McCord, City Engineer  
Steward Unangst, Purchasing Agent

Reverend Richard Mapes  
Charles Andrews  
Lodge McKee  
Herb Smith  
Lyman Fishburn  
Victor Willis  
Dr. David Wynne  
William Shearston  
Frank Lynch  
Sue Smith  
Judith Chirgwin  
Charles Long  
M. W. Schryver  
Robert Russell  
Pat Barton  
Lyle Richardson  
Henry Watkins  
Bob Palmer  
Charles Zwemer  
Lloyd zum Felde

News Media: Jim Goin, TV-9  
Chad Hautmann, Naples Star  
James Moses, Naples Daily News  
Scott Harrison, Naples Star  
Susan Gardner, TV-9  
David Bristow, TV-9  
Brad Rittner, WBBH-TV  
Susan Ornstein, News Press  
Dory Owen, Miami Herald  
Tom Lowe, WEVU-TV

Other interested citizens and visitors

Mayor Anderson called the meeting to order at 9:07 a.m.; whereupon Reverend Richard Mapes of the United Church of Naples delivered the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson noted the minutes of the Regular Meeting of July 1, 1981 which Mr. Rothchild had indicated his desire to change before approval. Mr. Rothchild stated that he no longer wished to make a change and moved approval of the minutes of the Regular Meeting of July 1, 1981 as presented. Mayor Anderson noted that if there were no changes or corrections, the minutes would stand approved by consensus. He then noted the minutes of the Workshop Meeting of July 14, 1981, the Regular Meeting of July 15, 1981, the Workshop Meeting of July 15, 1981, the Special Meeting of July 15, 1981 and the Special Meeting of July 22, 1981 to which no Councilman had any changes or corrections. Mayor Anderson stated the above mentioned minutes would stand approved as submitted by consensus of the Council.

AGENDA ITEM 4. PUBLIC HEARING and second reading of ordinance.

An ordinance relating to court costs; amending Section 1A-6 of the Code of Ordinances of the City of Naples to provide for the assessment of an additional court cost of two dollars (\$2.00) against every person convicted for violation of a state penal or criminal statute or a city ordinance, excluding therefrom violations relating to the parking of vehicles; providing for the expenditure of said funds; and providing an effective date. Purpose: To increase the amount of said court cost from \$1.00 to \$2.00, pursuant to Sec. 943.25(8) (a), F.S.

City Attorney Rynders read the above titled ordinance by title for consideration by Council on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 9:14 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:15 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3808 on Second Reading, seconded by Mr. Twerdahl and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 5. Special Exception Petition No. 79-S14: Request for a 6 foot high cypress wood fence in portion of the required front yard setback area abutting Gulf Shore Blvd. South. Planning Advisory Board recommended 5 foot high fence. (Continued from City Council meeting of June 18, 1980.) Petitioner: Judith S. Chirgwin Location: 112 Tenth Street South

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO CONSTRUCT A FIVE (5) FOOT HIGH FENCE IN THE REQUIRED FRONT YARD AT 112 TENTH AVENUE SOUTH, NAPLES, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Judith Chirgwin addressed Council in support of her petition. After a lengthy discussion during which Mrs. Chirgwin agreed to the 18" setback and the landscaping if she could receive permission for the 5 foot 6 inch fence. Mr. Thornton moved adoption of Resolution 3809 amended to approve a 5 foot 6 inch high fence, seconded by Mr. Rothchild and carried on roll call vote, 6-1; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 6. First reading of ordinances

AGENDA ITEM 6-a. An ordinance relating to the sale of alcoholic beverages; repealing Sections 3-2, 3-3, and 3-4 of the Code of Ordinances of the City of Naples and substituting a new Section 3-2 therefor; prohibiting the sale and consumption of alcoholic beverages during certain hours; and providing an effective date. Purpose: To permit the sale of alcoholic beverages from 12:00 Noon each Sunday until 12:01 A.M. each Monday, and to repeal the requirements for such sales to be made by restaurants only in connection with the serving of meals. (Pursuant to discussion at Regular Meeting of June 17, 1981.)

City Attorney Rynders read the above referenced ordinance by title for Council's consideration on First Reading. Mr. Rothchild made a statement in which he noted his opinion that the proposed ordinance was much broader than the remedy requested by the restaurant owners who appeared before Council on June 17, 1981. He further stated that it was his opinion that only the language regarding the meal requirement was to be changed to clarify it. Sue Smith and Pat Barton, citizens, spoke against any change to the existing ordinance. The City Attorney called attention to the letter he had written to Civic Associations and Property Owners dated June 23, 1981 (Attachment #1) copies of which had been given to all Councilmen, and added that the proposed ordinance could be changed in many ways at either the First Reading or the Second Reading. Attorney M. W. Schryver, representing the licensees who had received citations under the existing ordinance, addressed Council and stated that their request had been for clarification of the ordinance and the meal requirement. In answer to a question from Mayor Anderson, Mr. Watkins of the Beach Club Hotel noted that there were three bars in town that did not operate as restaurants. Bob Palmer, candidate for Council, spoke against any change in the existing ordinance and noted that he would be presenting petitions to the City Manager to that effect. Council discussed the possibility of writing the ordinance so that restaurants only could sell alcoholic beverages without serving a meal; however, City Attorney Rynders did not feel a distinction could be made between a restaurant and a bar or lounge. Chuch Zwemer of the Riverwalk Ale House and The Dock, suggested using the license designation of "SRX" to make the distinction; however, the City Attorney did not think that would be feasible. After a lengthy discussion, Mr. Twerdahl moved to remove this item from the Agenda, seconded by Mr. Rothchild. After reconsideration, Mr. Twerdahl withdrew his motion, but Mr. Rothchild did not wish to withdraw his second. Mr. Twerdahl moved to continue the item until the next regular meeting, however the City Attorney was not sure he would be able to have a satisfactory revision as per the foregoing discussion by that time and the motion died for lack of a second. Mr. Twerdahl again moved to remove the item from the Agenda, seconded by Mr. Rothchild and carried on roll call vote, 5-2; Mr. Holland, no; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, no; Mayor Anderson, yes.

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Let the record show that Mayor Anderson recessed the meeting at 10:40 a.m. and reconvened it at 10:55 a.m. with all members of Council present.

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AGENDA ITEM 6-b. An ordinance relating to the Electrical Code; amending Sections 8-22 through 8-24 of the Code of Ordinances; and providing an effective date. Purpose: To adopt the 1981 edition of The National Electrical Code and to provide special rules and regulations governing electrical wiring in the City. (Requested by Community Development)

City Attorney Rynders read the above titled ordinance by title for consideration by Council on First Reading; whereupon Mr. Schroeder moved approval of the proposed ordinance on First Reading, seconded by Mr. Thornton.

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Let the record show that Mr. Wood left the Council table at 10:57 a.m.

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Mayor Anderson verified with William Shearston and Lloyd zum Felde, local contractors, that they had no objections to the ordinance. Motion carried on roll call vote, 6-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, absent; Mayor Anderson, yes.

AGENDA ITEM 6-c. An ordinance relating to public parks and beaches in the City of Naples; adding a new Section 16-32 to the Code of Ordinances relating to the operation of motorboats in the Gulf of Mexico along the shoreline; deleting Section 16-19(1)(y), pertaining to the operation of concessions and soliciting in parks, and transferring and expanding the provisions thereof to a new Section 16-33; and providing an effective date. Purpose: To prohibit the operation of noncommercial motorboats within 100 yards of the shoreline areas described herein and to prohibit the operation of concessions, peddling soliciting and advertising on any beach or in any public park within the City. (Requested by City Manager)

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Mr. Rothchild noted that in the discussion at the workshop Council had decided to have this effective from Gordon Pass north to the City limits. In response to Mayor Anderson's inquiry about the need for this ordinance, Lodge McKee, citizen, confirmed the many times he had observed power boats in the vicinity of swimmers and he also noted the advent of the jet ski in the Naples area and the danger it represented.

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Let the record show that Mr. Wood returned to the Council table at 11:04 a.m.

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It was the consensus of Council that this ordinance would include jet skis inasmuch as they were power driven. Regarding the prohibition of concessions, Mr. Watkins of the Beach Club Hotel inquired about the sunfish sailboats used by people staying at the hotel inasmuch as that was a concession; however, the City Attorney noted that since the concession was not operating on the beach, it would not be affected. Mr. Twerdahl moved to approve the proposed ordinance on First Reading as amended to include the area from 100 yards north of Gordon Pass, to include 150 yards around the Pier, to except 100 yards north and south of Doctor's Pass and to go up to the northern City limits, seconded by Mr. Wood and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 6-d. An ordinance regulating parking; amending Section 23-9 of the Code of Ordinances by adding new subsections (l) and (m); amending Section 23-12.2, relating to penalties for parking violations; and providing an effective date. Purpose: To prohibit parking on street-ends adjoining the public beach between the hours of 11:00 P.M. and 5:00 A.M. and on specified areas of Gulf Shore Boulevard at any time; to provide penalties for violation thereof and to increase penalties for violation of Section 23-7, relating to parking in the direction of traffic, and Section 23-9(a) and (b), relating to obstruction of traffic and parking in no parking areas marked by yellow paint, from \$5.00 to \$15.00. (Requested by City Manager)

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on First Reading. Mr. Schroeder suggested making the no-parking areas tow-away zones. It was the consensus of Council to have the City Attorney study this suggestions and report back to Council at the Second Reading. Mr. Wood moved to approve this proposed ordinance as written on First Reading, seconded by Mr. Twerdahl and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.



AGENDA ITEM 11. Confirmation of appointment of Richard B. Barker to the City of Naples Public Employees Relations Commission. (Requested by City Manager)

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

A RESOLUTION CONFIRMING THE APPOINTMENT OF RICHARD B. BARKER AS THE ALTERNATE MEMBER OF THE CITY OF NAPLES PUBLIC EMPLOYEES RELATIONS COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3813, seconded by Mr. Schroeder and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 12. Action on employee recognition program. (Pursuant to workshop discussion above)

Mayor Anderson called Council's attention to the plan outlined by City Manager Patterson in his memorandum to Council dated July 30, 1981 and reviewed by Council at the Workshop Meeting (Attachment #3). Mr. Wood moved to adopt the plan as outlined in the City Manager's memorandum dated July 30, 1981, seconded by Mr. Twerdahl and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 13. Purchasing.

AGENDA ITEM 13-a. Bid re-award - Rearview Cameras - Sanitation Division, Public Works Department.

City Attorney Rynders read the below referenced resolution by title for consideration by Council.

A RESOLUTION RESCINDING RESOLUTION NO. 3728; RE-AWARDING THE BID FOR FIVE REARVIEW CAMERAS AND MONITORS TO THE SECOND LOWEST BIDDER; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AUTHORIZING THE CITY ATTORNEY TO TAKE THE NECESSARY LEGAL ACTION TO RECOVER THE DAMAGES INCURRED BY THE CITY AS THE RESULT OF THE FAILURE OF THE LOWEST BIDDER TO COMPLY WITH THE PROPOSED DELIVERY TIME; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland and Mr. Rothchild expressed their belief that the first low bidder had made a mistake and that the City should have realized this at the time the bid was accepted and consequently they felt that he should not be liable for a claim by the City for damages due to default on delivery. Mr. Wood moved to adopt Resolution 3814, seconded by Mr. Schroeder. After further discussion, motion carried on roll call vote, 5-2; Mr. Holland, no; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 13-b. Annual bid - Water treatment chemicals - Public Works Department

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

A RESOLUTION AWARING BIDS FOR THE CITY'S ANNUAL REQUIREMENTS OF WATER TREATMENT CHEMICALS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3815, seconded by Mr. Schroeder and carried on roll call vote, 6-1; Mr. Holland, no; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.



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June 23, 1981

ATTACHMENT #1



*City of Naples*

735 EIGHTH STREET, SOUTH, NAPLES, FLORIDA 33940

*June*  
July 23, 1981

OFFICE OF THE CITY ATTORNEY

( Civic Associations &  
Property Owners Associations)

Your comments on these points will be very much appreciated. We would hope that you can give these matters your earliest consideration and provide us with your views at the soonest possible time.

Very truly yours,

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

DWR:bh

Enc.

cc: Mayor and Members of Council

Gentlemen:

The City Council has recently been requested to repeal a restriction on the sale of alcoholic beverages by restaurants on Sunday and to expand the permitted hours of operation. Presently only restaurants are allowed to sell alcoholic beverages on Sunday from 1:00 p.m. to midnight and then only in connection with the serving of meals.

An ordinance to effectuate these changes has been drafted and is attached for your discussion. The new requested hours of operation are from noon to midnight on Sunday, an increase of one hour. There are several other points you should be aware of in discussing this matter:

- (1) The repeal of the restriction on restaurants will necessarily permit all lounges to operate during the same hours. There is no legal distinction that can be made for purpose of this ordinance between operating a lounge with or without a restaurant. Consequently, we can be sure that lounges or bars will also be open on Sunday during these hours.
- (2) The Council will have to consider, but has not yet discussed, the question of also permitting package liquor stores to operate on Sunday during those same hours. It is possible to require package stores to remain closed, but we should have some rational basis for making this decision. The attached ordinance is now drafted to permit package stores to open as well as lounges. Package stores can be eliminated from this quite easily if it is the Council's conclusion that such is warranted.





City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: GEORGE M. PATTERSON, CITY MANAGER  
SUBJECT: EMPLOYEE RECOGNITION PROGRAM  
DATE: JULY 30, 1981

At the present time we have no program by which employees receive recognition for their continuous service with the City. It is our thinking that all, or at least most, employees would appreciate our recognizing their efforts and longevity with the City. Our proposed program is relatively inexpensive and basic in design. The following is a breakdown of the proposed recognition program:

AWARD PRESENTED

- LONGEVITY
  - 5 years of continuous service Certificate of Appreciation
  - 10 years of continuous service Certificate of Appreciation and Service Pin
  - 15 years of continuous service Certificate of Appreciation
  - Each 5 years thereafter Certificate of Appreciation

I have attached a sample of our proposed certificate for your review or comments. The service pin would be a 3/4" round gold pin with the City seal engraved on it. The cost of these items are as follows:

- (1) Award Certificate \$ .95 each
- (2) Service Pin \$2.93 each

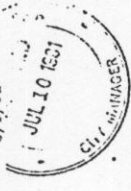
To date we have approximately 170 employees eligible for a certificate with about 67 eligible for a service pin.

For the presentation of the certificates and pins we propose that two (2) council meetings, perhaps one in April and another in October, be scheduled to have fixed dates for presentation would allow us adequate lead time to determine eligibility of employees. We think it would be appropriate for the Mayor to present certificates and pins to those employees who wish to attend the council meetings. For those employees who choose not to attend, their respective department heads could present the certificates to them.

In general, we feel this is a worthwhile program to undertake and implement in the very near future.

Sincerely,  
George M. Patterson  
City Manager

GMP/jm  
Attachment 1



City of Naples

THE EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33960

TO: GEORGE M. PATTERSON, CITY MANAGER  
FROM: FRANKLIN C. JONES, FINANCE DIRECTOR  
SUBJECT: AUDIT FOR FISCAL YEAR ENDED SEPTEMBER 30, 1981  
DATE: JULY 8, 1981

Section 15.10 of the City Charter provides that sixty days prior to the end of each fiscal year the City Council shall designate a certified public accountant to perform the annual audit. This would mean that the Council should make some determination as soon as possible. Since there has been no indication as to whether Council would be interested in considering other firms or would prefer to engage our present accountants for another year, I wanted to inform you of one item that might influence their decision.

As you know the financial statements for the fiscal year ended September 30, 1980 were presented in a new format due to changes in generally accepted accounting principles. In addition, we have submitted those financial statements to the Municipal Finance Officers Association for consideration for a Certificate of Conformance. The Certificate would give our financial statements a "seal of approval" indicating that we meet the highest standards in financial reporting. In the market place this Certificate can mean real dollar savings on the interest rates paid on any bond issues we may want to sell. At this time the review by NECA has not been completed. If their review indicates that some more changes are needed in the financial statements, it could be much more easily accomplished if we were working with the same accounting firm. For this reason, I would recommend that we again engage Rogers, Silva, Moon and Company to perform the audit for the year ended September 30, 1981.

If you have any questions, please contact me.

Respectfully submitted,

Franklin C. Jones  
Finance Director

FCJ/rl

