

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,  
NAPLES, FLORIDA, ON WEDNESDAY, MARCH 3, 1982, AT 9:06 A.M.

Present: Stanley R. Billick  
Mayor

R. B. Anderson  
C. C. Holland  
Harry Rothchild  
Wade H. Schroeder  
Kenneth A. Wood  
Councilmen

Absent: Randolph I. Thornton  
Councilman

Also Present: Franklin C. Jones, City Manager	Randy Davis, Parks & Recreation Director
David W. Rynders, City Attorney	Norris Ijams, Fire Chief
Roger Barry, Community Development Director	William Savidge, Public Works Director
Nat Hooper, Engineering Technician	Mark Wiltsie, Assistant to the City Manager
John McCord, City Engineer	
Reid Silverboard, Chief Planner	

Pastor H. Peter Lyberg  
Charles Andrews  
George A. Howser  
Ed McMahon  
Chuck Mohlke  
Edward Hannam  
Mr. & Mrs. Craig Kiser  
Edward Kant  
Egon Hill  
Frank Nixon  
Lyman Fishburn  
Robert E. Lee Hall  
Robert Russell  
John DeBaun  
Richard Hechler  
Sam Aronoff  
John Nagel  
David Graham

James Dennis Murphy  
David Tackney  
Gilbert Weil  
Larry Ingram  
Mr. & Mrs. Nelson Rose  
William Register  
Lodge McKee  
Jack Miller  
Ben Anderson  
Ted Smallwood  
Edward Chlumsky  
Ken Atkins  
Jill Shapard  
Marcie Black  
Bill Tracy  
Calhoun Smith  
Arndt Mueller  
Lyle Richardson

News Media: Scott Stewart, TV-9  
Lynn Levine, TV-9  
Jerry Pugh, TV-9  
Tish Gray, Naples Star  
James Moses, Naples Daily News

Kathy McClintock, WINK-TV  
Steve Kaskovich, News Press  
Dory Owen, Miami Herald  
Dave Bristow, TV-9  
Tom Lowe, WEVU-TV

Other interested citizens and visitors

178 Mayor Billick called the meeting to order at 9:06 a.m.; whereupon Pastor H. Peter Lyberg of the Shepherd of the Glades Lutheran Church delivered the Invocation; followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Billick called Council's attention to the minutes of the Regular Meeting of February 17, 1982; whereupon Mr. Wood moved approval of the minutes as presented, seconded by Mr. Holland and carried by consensus of Council members present.

AGENDA ITEM 4. Community Development Department/Naples Planning Advisory Board: Easement Vacation Petition No. 81-A8 Petitioner: Bayside Villas Association, Harry Bedinghaus Location: 11th Avenue South on the north; 9th Street South on the east; Broad Avenue South on the south; 8th Street South on the west.

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

A RESOLUTION VACATING AND ABANDONING A PORTION OF A 20 FOOT WIDE UTILITY EASEMENT LOCATED IN BLOCK 9, TIER 9, PLAN OF NAPLES, MORE PARTICULARLY DESCRIBED HEREIN; ACCEPTING AN ALTERANTE EASEMENT THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mayor Billick noted that Council had indicated approval of this item contingent on certain conditions and that these conditions had been met and the necessary documentation had been completed. Mr. Anderson moved adoption of Resolution 3955, seconded by Mr. Holland. Mr. Rothchild suggested amending the ordinance pertaining to like situations and call this type of transaction a "relocation" rather than a "vacation". Motion carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 5. First reading of an ordinance. An ordinance relating to parking for the handicapped; amending Section 8-3 of the Code of Ordinances to provide that certain provisions of the Standard Building Code shall be retroactive; providing a period of implementation; providing an effective date. Purpose: To make the requirements of Section 508.3 relating to parking for the handicapped retroactively apply to existing privately owned public parking lots with more than 25 parking spaces. Requested by City Attorney.

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Mr. Schroeder moved approval of the ordinance on First Reading. The City Attorney suggested Council might hold off discussion of this matter until Nelson Rose, president of Handicapped In Action, and his attorney arrived. It was the consensus of Council to do so. Egon Hill, citizen, addressed Council stating that he did not think there was sufficient enforcement resulting in ticketing people who used the marked handicapped spaces illegally and he urged the Mayor to ask the Police Department to do this.

AGENDA ITEM 6. Request by Gulf Coast Sailing Club to hold the Naples Michelob Regatta '82 at Lowdermilk Park.

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

A RESOLUTION DESIGNATING A CERTAIN PORTION OF THE BEACHFRONT AREA AT LOWDERMILK PARK AS A TEMPORARY LAUNCHING AREA FOR THE NON-EXCLUSIVE USE OF PARTICIPANTS AT THE NAPLES MICHELOB REGATTA '82; OUTLINING CONDITIONS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

Mr. Anderson moved approval of Resolution 3956, seconded by Mr. Schroeder and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.



AGENDA ITEM 7. Request by Mr. John DeBaun for a discussion of law and order.

Mr. John DeBaun addressed Council concerning his opinion of inequities in the court system in Collier County. Mayor Billick and the Council advised him that he was addressing the wrong forum.

AGENDA ITEM 8. Consideration of placing a referendum ballot before the electors of the City of Naples establishing partisan elections and apportioning the City into representative districts. Requested by David C. Graham, on behalf of the Collier County Republican Club.

David Graham, representing the Collier County Republican Club, noted the resolution that had been sent to Council (Attachment #1) and asked that Council consider the idea, possibly name a blue ribbon panel and take six to nine months to study it before taking any action. He further stated his reasons for supporting the idea. James Dennis Murphy and Edward Hannam, citizens, spoke in opposition to any change from the present manner in which elections are held. No action was taken.

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Mayor Billick noted the presence of the principals from Handicapped In Action.

RETURN TO AGENDA ITEM 5.

Mayor Billick reminded Council that Mr. Schroeder had moved to adopt this ordinance on First Reading. Mr. Rothchild stated that he would second the motion. Nelson Rose, president of Handicapped In Action introduced William Register, their attorney. Mr. Register addressed Council and reviewed the amendments proposed in his letter to City Attorney Rynders dated February 26, 1982 (Attachment #2). Attorney Larry Ingram addressed Council and pointed out that enactment of this ordinance would put some buildings, and one in particular that he had an interest in, into a non-conforming status because they could not comply with the new requirement and still meet the other parking requirements in the City's Code. The City Attorney suggested amending the proposed ordinance to allow for "forgiveness" for situations such as described. Craig Kiser, citizen, noted that ticketing was not sufficient for enforcement because just ticketing did not make that space available; and he added that the state statute did allow for towing away the offending vehicle. City Attorney Rynders noted that the City would need to adopt that particular part of the state statute covering this. It was the consensus of Council to add an amendment to the proposed ordinance to include the tow away provision. Mr. Kiser urged that the law enforcement officials be made aware of this means of enforcement and Mayor Billick requested City Manager Jones to check into it. Mr. Schroeder noted his approval of the two amendments suggested in Attorney Register's letter and the amendment regarding towing in view of his motion to approve this proposed ordinance on First Reading. Mr. Rothchild, the seconder, also noted his acceptance of the proposed amendments. Motion carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

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Let the record show that Mayor Billick recessed the meeting at 10:45 a.m. and reconvened it at 11:01 a.m. with the same members of Council present.

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Mr. Rynders noted that this proposed ordinance would be advertised for Second Reading for March 17, 1982 with the concurrence of Attorney Register, but that if the language for the amendments was not satisfactory by that time, Council could continue the matter to another date.

AGENDA ITEM 9. Resolution appointing two City Council members to serve on the Board of Directors of the General Employees Retirement System. Requested by Mayor Billick.

Mayor Billick called Council's attention to the Agenda Item; whereupon the names of Mr. Schroeder, Mr. Thornton and Mr. Wood were placed in nomination for these appointments. After determining that Mr. Thornton was serving on two other boards, his name was withdrawn. Mr. Holland moved to approve Resolution 3956 appointing Mr. Wood and Mr. Schroeder to this board, seconded by Mr. Anderson. City Attorney Rynders read the below titled resolution for consideration by Council.

A RESOLUTION APPOINTING TWO MEMBERS OF THE CITY COUNCIL TO THE BOARD OF TRUSTEES OF THE CITY OF NAPLES RETIREMENT SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

Motion carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 10. Discussion/action regarding proposal by David T. Tackney, P.A., that fewer beach groin structures be removed than was originally recommended in the Beach Management Study of 1980. Requested by Engineering Department.

David Tackney, engineer who was authorized to design the removal of the groins, noted that the decision to remove certain groins had been made based on their ineffectiveness and a matter of safety because of their deteriorated condition. He pointed out erosion on the south side of many of the groins in question. Edward Chlumsky, citizen, spoke at length in support of retaining all the groins and possibly repairing some of them. Marcie Black and Jill Shapard, citizens, presented copies of a petition protesting the removal of the pilings at the western end of Third Avenue South, original copy of which is on file in the meeting packet in the Clerk's office. Mrs. Black noted that many of the petitions had been changed to include all the pilings at all beach ends. She further requested that Council consider replacing the deteriorated pilings at the end of Third Avenue South. Mrs. Shapard and Mrs. Black both spoke of the marine life they believed to be generated in the vicinity of such groins. Mr. Rothchild repeated his opinion that all groins should be left visible or cut off two feet below the sand. Lodge McKee, speaking as a representative of the Olde Naples Association, spoke in support of retaining at least some of the groins. In response to a question from Mr. McKee, when he spoke as a citizen, City Engineer McCord offered his opinion that a permit could not be obtained from the state to repair the existing pilings. Mr. McKee further suggested that if any had to be removed, that they be jetted out of the sand. Bill Tracy, citizen, offered several magazine pictures depicting the esthetics of the pilings and spoke in support of retaining and/or repairing the existing pilings. Calhoun Smith and Ed McMahon, citizens, also spoke in support of keeping the groins. City Attorney Rynders cautioned Council from authorizing the removal of any pilings on the basis of safety reasons inasmuch as the original premise had been removal to prevent further beach erosion because they were now considered ineffective. Gilbert Weil, citizen, suggested that the City Attorney check into admiralty law and the jurisdiction that might arise in connection with the pilings. In response to a question from Mayor Billick, City Manager Jones noted that the grant would be adjusted according to the scope of work the City proposed to do. Mayor Billick suggested that the City once more have a selected study of how many could possibly be left in, safely. Mr. Anderson moved that Council give direction to do what Mayor Billick suggested, seconded by Mr. Holland and carried on roll call vote, 5-1; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, no; Mayor Billick, yes.



AGENDA ITEM 11. Action with reference to design and construction services relative to utility relocation necessary in conjunction with Pine Ridge Road improvements. Pursuant to Council discussion at March 2, 1982 workshop meeting.

City Manager Jones noted that there were two resolutions involved in this Agenda Item. City Attorney Rynders read the below captioned resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE A FEE WITH THE CONTRACTOR ON THE JOB TO PERFORM NECESSARY UTILITY RELOCATION AND ADJUSTMENT WORK IN CONJUNCTION WITH THE WIDENING OF PINE RIDGE ROAD; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY PURCHASE ORDERS AND DOCUMENTS RELATING THERETO, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Pursuant to the discussion from the Workshop Meeting of March 2, Mr. Anderson moved to adopt Resolution 3958 as amended by inserting "up to a cap of \$50,000", seconded by Mr. Schroeder and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

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

A RESOLUTION AUTHORIZING CH2M HILL TO PREPARE PLANS AND SPECIFICATIONS FOR THE RELOCATION OF UTILITY LINES IN CONJUNCTION WITH THE WIDENING OF PINE RIDGE ROAD; AND PROVIDING AN EFFECTIVE DATE.

Pursuant to the discussion from the Workshop Meeting of March 2, the City Attorney suggested an amendment, inserting "at Station 80 + 80 to 82 + 20". After a brief discussion with Ted Smallwood, consultant from CH2M Hill, Mr. Anderson moved to adopt Resolution 3959 as amended, seconded by Mr. Schroeder and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 12-a. Action regarding procedure for selection of engineering consulting services for water and sewer projects. Pursuant to Council discussion at March 2, 1982 workshop meeting.

City Manager Jones noted the amount of discussion on this subject at the Workshop Meeting of March 2, 1982, and asked that Agenda Item 12-a and 12-b be removed from the Agenda. Mr. Anderson moved that Agenda Items 12-a and 12-b be removed from the Agenda, seconded by Mr. Schroeder. In response to a request from Mr. Rothchild, the City Manager stated that he would forward information on these items as soon it was available. Motion carried by consensus of the Council members present.

AGENDA ITEM 12-b. Action amending continuing consulting agreement with CH2M Hill. Pursuant to Council discussion at March 2, 1982 workshop meeting.

See Agenda Item 12-a.

AGENDA ITEM 13. Discussion/action requested by City Attorney for establishment of policy regarding appeals of adverse trial court decisions.

City Attorney Rynders read his memorandum to Council dated February 25, 1982, (Attachment #3). Mr. Rothchild repeated his contention that Council is the City Attorney's client and should be consulted. Mr. Schroeder noted his feeling that it was not a client-lawyer relationship. Mr. Anderson noted his opinion that the City Attorney should proceed automatically unless he feels there are unusual circumstances. Mayor Billick stated his preference to hear the recommendations of the City Attorney. Mr. Holland noted his feeling that the City Attorney should take his direction from Council. After further discussion, Mr. Holland moved that any appeal be brought back to Council for approval, seconded by Mr. Rothchild. Richard Hechler, citizen, addressed Council, noting his hope that Council would not give up any powers and suggesting executive sessions for certain situations. City Attorney Rynders pointed out that executive sessions were only proper for negotiation of labor relations. Motion carried on roll call vote, 4-2; Mr. Anderson, no; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 14. Discussion/action relating to recent decision to disband certain committees, such as the Utility Coordinating Committee, the Traffic Committee and the Data Processing Committee; and the ramifications of this decision. Requested by Councilman Rothchild.

Mr. Rothchild noted the late hour and moved that Agenda Items 14 and 15 be removed from this Agenda and be placed on the next Agenda, seconded by Mr. Wood. Mr. Rothchild stated that he hoped to receive the clarifying memorandum he had requested from City Attorney Rynders prior to the discussion on alley vacations asked for in Agenda Item 15. Richard Hechler, citizen, noted that there was a requested vacation proposed to be on the next Agenda. Mr. Rothchild asked that the discussion on vacations be put on the March 17th Agenda before the Item concerning the requested vacation. Motion to remove Agenda Items 14 and 15 carried by consensus with Mr. Schroeder voicing an objection.

AGENDA ITEM 15. Discussion/action with respect to proper procedure regarding the vacation of alleys, streets, etc., including a determination as to the propriety or legality of exacting a charge for any such vacation. Requested by Councilman Rothchild.

See Agenda Item 14.

AGENDA ITEM 16. Purchasing:

AGENDA ITEM 16-a. Bid award - painting of 5-million gallon reservoir - Utility Division

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

A RESOLUTION AWARDING BID FOR PRESSURE WASHING AND PAINTING OF THE FIVE MILLION GALLON RESERVOIR LOCATED IN NORTH NAPLES; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Anderson moved adoption of Resolution 3960, seconded by Mr. Schroeder and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, no; Mr. Wood, yes; Mayor Billick, yes. Mr. Holland stated his opinion that the bid was too low to do a satisfactory job and suggested methods of supervising the work to see that it was up to specifications.



AGENDA ITEM 16-b. Bid award (annual) - automobiles and trucks

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

A RESOLUTION AWARDING THE BIDS FOR VARIOUS AUTOMOBILES AND TRUCKS;  
AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR;  
AND PROVIDING AN EFFECTIVE DATE.

Mr. Anderson moved to adopt Resolution 3961, seconded by Mr. Holland and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 16-c. 20 KW. diesel-powered generator - Public Works .

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

A RESOLUTION AWARDING THE BID FOR A DIESEL POWERED GENERATOR; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Anderson moved to adopt Resolution 3962, seconded by Mr. Holland and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Billick adjourned the meeting at 1:16 p.m.

*Janet Cason*  
Janet Cason  
City Clerk

*Ellen P. Marshall*  
Ellen P. Marshall  
Deputy Clerk

*Stanley R. Billick*  
Stanley R. Billick, Mayor

These minutes of the Naples City Council were approved on 03-17-82

RESOLUTION TO THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NAPLES  
FROM THE COLLIER COUNTY REPUBLICAN CLUB

- WHEREAS: The two party system has proved to be the most preferred and effective political system in America; and
- WHEREAS: Nonpartisan elections tend to cause damage to the American two party system; and
- WHEREAS: The principal of one man one vote is protected by the 14th Ammendment to the Constitution, and Supreme Court decisions as Baker vs Carr; and
- WHEREAS: The apportionment of the City of Naples into City Council districts will achieve a form of representation fair to all; and
- WHEREAS: The voters of the City of Naples should be given the option of what method their elected representatives are chosen;

THEREFORE BE IT RESOLVED:

That the Collier County Republican Club endorses the concept of partisan elections in the City of Naples, and the apportionment of the City into reperesentative districts; and

BE IT ALSO RESOLVED:

That the republican Club requests the Naples City Council to consider this Resolution, and that a referendum be held to gage the will of the electorate.

*[Handwritten Signature]*  
President

*XC - Mayor Council  
City manager  
City attorney*







*City of Naples*

MEMO

February 25, 1982

TO: Hon. Mayor and Members of Council  
FROM: David W. Rynders, City Attorney  
RE: Appeals of Adverse Trial Court Decisions

This is a request for establishment by Council of a policy in regard to filing appeals from adverse court decisions.

Review of over ten years of litigation prior to June, 1978, in which the City of Naples has been a party reveals that previous city attorneys have collectively filed appeals in six different cases but obtained Council approval (because of somewhat unusual circumstances) for only two of those appeals, which seems to indicate an unpronounced reliance and acquiescence by the Council in the initiative of the several city attorneys in these matters. Since 1978 I have filed two appeals, also without requesting a prior directive from the Council. This has been in accord with my previous experience and practice in other local governments where it has not been a requirement of the governing body to obtain prior approval of appeals. In my view appeals have simply been a stage of litigation sometimes necessitated, particularly where constitutional or zoning issues are involved. Indeed, adverse trial court decisions which are in error can have a serious and crippling effect on the future consistent exercise of the City's police powers for the health, safety and welfare of the community. Frankly, my chief concern in this regard has been that I should not fail in my duty to appeal if I believed the lower court decision to be erroneous. However, I am anxious to comply with the Council's wishes and am therefore requesting a statement of policy on this matter.

In connection with formulating a policy, it should be recalled that Section 7 of the City of Naples Zoning Ordinance provides that the Zoning Administrator "shall enforce the zoning ordinance..." (emphasis added) and that "the Zoning Administrator may be provided with the assistance of such other persons as the City Manager may direct." In fact, the two appeals that I have taken have both related to zoning matters and were undertaken in an effort to assist

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the Zoning Administrator in the enforcement of the zoning ordinance. Both of these suits were brought against the City by property owners who objected to the application of the zoning ordinance to their property.

Obviously, there is considerable merit in delegating to the Zoning Administrator the responsibility for enforcing the zoning ordinance as the City has already done. While the City Council is responsible for determining what the zoning regulations should be as a matter of policy, enforcement through citation, litigation and otherwise is an administrative matter not requiring a great deal of policy consideration. That is to say, the policy should simply be to enforce the zoning ordinance. For instance, it would not be proper to decide to enforce the zoning ordinance in one case and not in another. Similarly, deciding to appeal one adverse and erroneous zoning decision and not another has a potential for arbitrariness.

However, this itself is a question of policy and the Council may rightly retain closer supervision over the progress of litigation in zoning and all other cases as well. In either event, I will happily perform on any basis that the Council directs.

For your information, until yesterday there have been two outstanding appeals in progress. I received yesterday the final decision on one of these cases from the appellate court ruling against the City. This case involved a change in an "accessory" nonconforming use in the lobby of the Sheraton Edgewater Beach Hotel from a dress shop to a real estate office, which change the court has determined need not be subject to approval by the City under Section 4 of the Zoning Ordinance (relating to changes in nonconforming uses). The second case involves the City's administrative decision to prohibit the division of one apartment into two dwelling units in the Clam Court Marina development. In my view the circuit court's judgment in this case contained serious and important errors which if left to stand would create enormous difficulty for the enforcement of the City's restrictions on guest homes. The appeal in this case is nearly at its conclusion since all of the briefs were submitted months ago and only oral argument remains, which is scheduled for March 22.

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

DWR:bh

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TELEPHONE (813) 225-1037

WILLIAM H. REGISTER, JR.  
DAVID C. PARK  
THOMAS W. BLACK  
GARY W. SAWYER

PLEASE REPLY TO:  
P.O. BOX 2878  
TAMPA, FLORIDA 33601

February 26, 1982

David W. Rynders, Esquire  
City Attorney  
735 Eighth Street South  
Naples, Florida 33940

RE: Handicapped in Action -v- City of Naples

Dear David:

I have received your memorandum of February 25, with the proposed amendment to the existing ordinance, and would make the following suggestions:

- (1) Specify the existing section for amendment to be 508.3(a), not 508.3.
- (2) Revise the body of the proposed ordinance to read:  
Section 1. That in recognition of the need for parking spaces for the physically handicapped in certain public parking lots, privately owned and existing at the time of the original enactment of Section 508.3(a), and after thorough investigation of the matter and appropriate findings of fact to support its decision, the City Council does now determine that it will be necessary, in order to provide for the general comfort, health, safety and welfare of its citizens, to adopt an amendment to Section 508.3(a) whereby the requirements therein will expressly apply retroactively in certain instances.

Section 2. That Section 8-3 of the Code of Ordinances, entitled "Amendments to Standard Building Code" is hereby amended by adding the following:

Chapter V, Section 508.3(a), entitled "Accessibility for the Physically Disabled and/or Handicapped" is amended by adding the following additional section:

David W. Rynders, City Attorney  
February 26, 1982  
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"3. Existing privately owned public parking lots having more than twenty-five (25) parking spaces shall comply with the requirements of this Section 508.3(a), provided however that existing multi-family residential buildings, yacht and country clubs and schools need not comply. Such parking lots shall be required to comply with the requirements of Section 508.3(a) within ninety (90) days from date of adoption hereof."

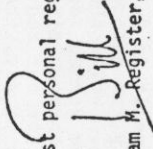
(3) I leave the legislative procedures (resolution, ordinance, or both) and citation checks to you.

(4) Nelson Rose has indicated that he is agreeable to having the advisory group selected informally. This therefore need not be part of the legislation.

Please review these suggestions and give me your comments. By copy to Nelson, I invite the same from him.

Acting on your suggestion, I will be there for first reading on March 3. After that hearing, we can discuss the Stipulation for the Court proceeding.

kindest personal regards,



William M. Register, Jr.

CC: Nelson Rose, Esquire

WWR:pja