

**Local Planning Agency
Thursday, January 10, 2013
8:30 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135
MINUTES**

I. CALL TO ORDER.

Chairman Don Colapietro called the meeting to order at 8:33 A.M. There were approximately 18 members of the public in attendance.

II. ROLL CALL.

Present:

Don Colapietro, Chairman
Fred Forbes
Bob Mills
Rex Sims
Sam Vincent
Henry Bird

Absent:

Bob Thinnies (Excused)

III. REVIEW OF ANALYSIS BY SPECIAL COUNSEL BEVERLY GRADY OF THE BONITA SPRINGS SHELTER OPERATION USE PERMIT AND SOCIAL SERVICES ZONING ORDINANCE, WITH FINAL INPUT PRIOR TO SCHEDULING FOR PUBLIC HEARINGS.

Robert Pritt, with Roetzel and Andress, referred to his 28-page memorandum dated December 27, 2012 (copy attached to the meeting packet for the meeting; copy in Clerk's file) to address his firm's analysis on the Bonita Springs Shelter Operational Use Permit and Social Services Zoning Ordinance amendments. He addressed validity of the ordinance and the importance of not including words within the ordinance that can be challenged. He referred to page 6 of his memorandum to address recommendations relating to the Ordinance title block, the whereas clauses, the Findings and Purpose, the identification requirement, residency requirements, discharge of residents, controlled substances, independent living plans, medication and medical treatment, "Housing First" and "Rapid Re-housing", management and security, visitation, site maintenance plan, buffering, etc.

9:32:55 AM Discussion was held on item X. on page 20 which states "The facility shall implement other conditions as determined by the Community Development Director, in consultation with other City departments and neighborhood groups necessary to ensure that management and/or residents maintain the quiet, safety and cleanliness of the premises and the vicinity." Discussion was held regarding the Development Director and

neighborhood groups. City Attorney Vance suggested modifying this section to read as a period of review. The condition might be moved more into the neighborhood plan area so that as a result of these neighborhood meetings between the shelter and the adjacent property owners, there may be things that come out of that meeting that call for modifications to that permit as decided by City Council, or that the parties may work it out and it never goes to City Council. City Attorney Vance explained that the question is who can modify the permit to add additional conditions. Mr. Pritt feels this can be rewritten to ensure that it is constitutional, and to ensure that neighborhood groups have periodic comment. To include language that mandates that at least once a year as part of the annual reporting process.

Board Member Fred Forbes referred to the language that states that a licensed nurse and licensed social worker is required to be at the facility during the admitting hours. His concern is that this is when the building is almost not occupied by those staying there. He feels this language needs to be tweaked so they are there when the residents are there. City Attorney questioned why someone couldn't just be on call and available. She further explained, and discussion ensued. Mr. Pritt clarified that a lot of these concerns are covered by federal or state law. All they would need to do is determine what the shelter will be doing as part of their application. Board Member Sims stated he feels the ordinance needs to have some specific requirements as to Staffing to meet the obligation with the City. City Attorney Vance responded by addressing the issue of staffing.

9:48:37 AM Mr. Pritt continued with recommendations relating to the restriction on the amount of time one would be allowed to stay at the shelter. In response to City Attorney Vance, Mr. Pritt stated his recommendation on occupancy was to look to see what the demonstrated need is. If the City did do a study they might find out that the need would be less than 30 beds. He suggested contacting Lee County who might have information to determine that number.

Mr. Pritt concluded by addressing the floor plan of the facility, and the need to make sure this wouldn't be violating homeland and domestic security. He continued by addressing the potential increase in the demand for services; Inspections, Compliance and Revocation; Annual Reporting as it relates to HIPPA; the disclosure of Salaries, bonuses and fringe benefits which isn't allowed since they would not be public employees. They also do not have to disclose donations of over \$100 made to the shelter.

10:09:08 AM City Attorney Vance to revise the draft Ordinance dated November 1, 2012 in accordance with Mr. Pritt's memorandum. In response to Board Member Fred Forbes, City Attorney Vance to contact Lee County Homeless Coalition to see if they have a suggested number for occupancy.

Board Member Sims stated that when they began there was a definition for a Group IV, which is specifically for a temporary living facility that does not mention any kind of rehabilitation or job training. He

questioned whether this original definition needed to be modified to include these things. City Attorney Vance to look further into this. Mr. Pritt stressed the need to ensure that the definitions in both places are synchronized.

10:21:02 AM John Dulmer explained that all uses that an operator intends to have in their facility need to be included within their application, which would be the uses they would be limited to. Board Member Sims next addressed annual reporting, and questioned how one's personal information would be protected. Mr. Pritt responded, that just because it is a public record, it didn't mean anyone can see it at any time. He provided the example of social security numbers, which the City must delete before it is transferred to someone.

IV. PUBLIC COMMENT.

10:52:16 AM Rick Steinmeyer stated that the people of Bonita don't want or need a homeless shelter.

10:56:23 AM Carolyn Gallagher stated that she was discouraged after reading Mr. Pritt's memorandum, as they worked for months developing an Ordinance they felt would work. Now they cannot regulate many of the things they thought they could. She feels strongly of the need to address shelter size and density and suggested the following four steps: 1) obtain several years of homeless counts or one accurate by HUD 2) conduct two counts a year as homeless population is larger in the winter than in the summer, 3) hire someone to do a count, and 4) take additional time to obtain an accurate count.

10:59:48 AM Deborah Maclean suggested that the City purchase the four lots in the City on which these types of uses are allowed.

11:00:50 AM Linda Schwartz, a former clinical social worker, addressed item XI. A., of Mr. Pritt's memorandum titled shelter size and occupancy. She stated that the number of beds is not arbitrary based on the objective data, as a 30% reduction amounts to 29 beds. She agrees that Bonita Springs needs to conduct their own survey.

11:02:35 AM Patricia Zimmerman stated that Mr. Pritt's memorandum has taken the wind out of their sails, as she feels there are changes that are necessary. Referring to the operational ordinance, she addressed several recommendations on items she feels need to remain relating to identification, convictions, and the number of beds which she feels should be maxed at 25. She is also against taxpayers paying for additional services for the shelter, and supports keeping the language relating to the expansion of such facilities. Also, on the annual reporting, she feels that felons and pedophiles should not be allowed in the shelter. She asked that more time be given before the Ordinance goes before City Council.

11:07:57 AM Conrad Schultz, with "Concerned Citizens of Bonita," stated he agrees it would be a good idea to get an update on the number of homeless. He also questions how they make sure that a community isn't overburdened with social service uses.

11:12:54 AM Dave Gallagher stated that he doesn't feel that they're suggestions resulted in the Cadillac of homeless shelters, as the intent is to prevent problems. The ideas they've provided stemmed from problems that have occurred at other shelters.

11:14:39 AM City Attorney Vance to revise the draft Ordinance in accordance with Mr. Pritt's memorandum and bring back to the Local Planning Agency in February. Board Member Forbes stated he feels it's critical for Staff to get a better handle on the number of homeless in Bonita Springs per the HUD definition. Board Member Bob Mills feels the number depends on how many of the homeless people in the City will utilize the shelter.

V. REVIEW OF THE FOLLOWING ORDINANCE FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN:

COLOR PALETTE: AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT TO REQUIRE A COLOR PALETTE WITHIN THE OLD U.S. 41 REDEVELOPMENT URBAN CORE; AMENDING SECTIONS 4-1152 THROUGH 4-1156; PURPOSE AND INTENT; OVERVIEW OF THE REDEVELOPMENT OVERLAY DISTRICT; STANDARDS FOR BOTH WITHIN AND OUTSIDE THE OLD U.S. 41 REDEVELOPMENT URBAN CORE THAT COMPRISE THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

11:45:47 am City Attorney Vance read the title block into the record and addressed revisions. She has found the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan. Board Member Vincent referred to item (4.) b. which states that the Florida-licensed architect or engineer responsible for the design of the building, and ask if that was in conflict with Article 3-601 of the Land Development Code regulations that states you must be an architect. City Attorney Vance to meet with Board Member Vincent on revised language. Discussion followed on the process relating to repainting, deviating from the color palette, etc.

12:02:25 pm Board Member Henry Bird entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Mills seconded; and the motion carried unanimously.

VI. PUBLIC COMMENT.

12:02:57 PM Phil Pugh, owner of the property across from the Fire Station, stated he would like to be grandfathered in for a period longer than four years as it relates to the Mobile Vendor Ordinance.

12:05:01 PM Deborah Maclean stated she was interested in the bus ticket concept as it relates to those being released from homeless shelters.

VII. NEXT MEETING. ~~02/14/13~~ Revised to February 7th, 2013

VIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 12:08 P.M.

Respectfully submitted,

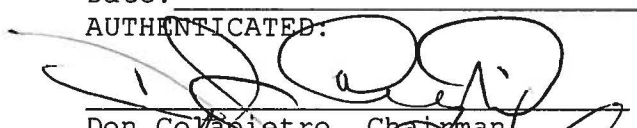

Debra Filipek, Recording Secretary

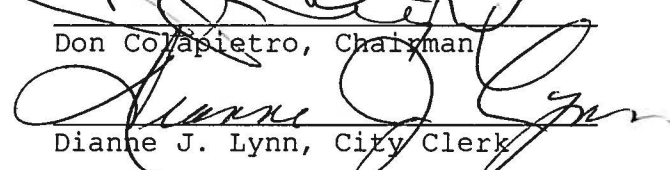
APPROVED:

LOCAL PLANNING AGENCY:

Date: _____

AUTHENTICATED: _____


Don Colapietro, Chairman


Dianne J. Lynn, City Clerk