

Local Planning Agency
Tuesday, September 11, 2012
1:30 P.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135
MINUTES

I. CALL TO ORDER.

Vice Chairman Sam Vincent called the meeting to order at 1:34 P.M.

II. ROLL CALL.

Present:

Absent:

Sam Vincent, Vice Chairman
Rex Sims
Fred Forbes
Bob Mills
Bob Thinnies
Henry Bird

Don Colapietro, Chairman

III. LOCAL PLANNING AGENCY REVIEW AND DISCUSSION OF INFORMATION COLLECTED FROM THE LOCAL PLANNING AGENCY SHELTER WORKSHOPS HELD ON AUGUST 16, 2012 AS TO THE SHELTER OPERATIONAL PERMIT ORDINANCE AND AUGUST 21, 2012 REGARDING LDC CHAPTER 4 AMENDMENTS FOR SOCIAL SERVICES USE GROUPS.

1:35:38 PM Jackie Genson, Community Development, referred to her memorandum dated September 11, 2012 (copy in Clerk's file) to furnish a general analysis of regulations she researched regarding various other entities, including Collier County, the City of Naples, the City of Punta Gorda, the City of North Port, the City of Tampa, and Palm Beach County. She addressed definitions, zoning districts, permitted uses, accessory and conditional uses, and supplemental standards and group housing. Lee County has an EOC Ordinance, which they are currently repealing.

She concurred with Board Member Fred Forbes in that Collier County doesn't have an operating ordinance, as they use a conditional use permit which appears before Staff, the Zoning Board, and the Commission who includes conditions to ensure compatibility. She further responded to Vice Chairman Vincent, explaining that in zoning you're dealing more with compatibility, buffering, setbacks, whereas the operation permit is more of a City/County Ordinance. Collier County is doing what Community Development is proposing, which is to go through the Zoning Board and City Council. While there aren't any conventionally zoned properties in

the City that are vacant, there are some planned developments that include a Social Service Group III use as a permitted use in their Schedule of Uses. With the proposed draft language, if it's not specifically identified on the Master Concept Plan, one would have to appear before City Council. In response to Board Member Fred Forbes, Ms. Genson explained that of all of the cities Staff gathered this information from; none of them have an operational ordinance for homeless shelters.

2:10:06 PM Board Member Rex Sims asked if the City's concept is that the clientele will consist of a single male. He also asked what the clientele of the other municipalities consisted of. John Dulmer, Community Development, stated he hasn't seen anything that made a distinction from a regulatory standpoint. From an operator standpoint there may be differences, but he didn't think that the Board would want to have anything in the standards that would distinguish. Ms. Genson stated that was something she would further look into; however, her initial instinct is that it's based on people - the number of persons. Board Member Forbes stated that the homeless shelter in Collier County consists of both males and females. Mr. Dulmer stated there are also facilities along the west coast that specialize in single teenage mothers. From an operation standpoint, facilities would be designed differently, based on who they wished to serve. He didn't know how much of that they could or should incorporate into a regulatory ordinance.

Board Member Sims asked if a church was going to start a facility for pregnant teenagers, if they also would have to abide by these same regulations. Mr. Dulmer stated that the gender and age didn't necessarily matter, as it would be more the definition of the use. City Attorney Audrey Vance stated that a "mother's home" is a community group home that is in a residential neighborhood, where the mothers live with the children. Board Member Henry Bird added that they also have a requirement that once they turn 18, they must leave. Board Member Sims stated that other places have clientele other than single males, noting that the same rules here would have to be observed by an operation like a mother's home. City Attorney Vance stated that there are occupancy limitations; therefore, with a small community group home, the Florida Statutes do preempt that from any local regulations as long as it's in a residential neighborhood. It's not what she believed they were trying to achieve here, as what they were trying to achieve regarded non-residential areas and did not entail community group homes. Ms. Genson stated that the proposed language for LDC 4, does break out women and abuse centers into different categories. Vice Chairman Vincent complimented Staff on their research, noting that he feels what is being done via the operations portion is good. Defining the operation of the facility assures the public it's getting what is expected of such facilities.

2:17:44 PM City Attorney Vance stated that the intent is to see what the LPA will be recommending before she researches ideas that have come up, after which she will define the ordinance which will be reviewed by the

LPA for consistency with the Comprehensive Plan prior to going before City Council.

2:18:30 PM John Dulmer, Community Development, next referred to his memorandum to the LPA dated August 21, 2012, and revised September 5, 2012 (copy in Clerk's file), to address the August 16, 2012 Workshop #1, which reflect comments made during the public workshop. Items of discussion included Intake and Discharge of Participants, Facility Services; Facility Characteristics, and City Coordination and Monitoring.

Board Member Bob Mills addressed his suggestion which was to allow Bonita Springs residents only. Mr. Dulmer stated he would recommend this be done through a bed count or through a population ratio as opposed to a residency requirement. The concern regards what form of identification would be used, if they have identification, etc. It brings up issues he feels could be avoided by looking at achieving the same goal in a different fashion.

2:24:59 PM Board Member Fred Forbes, noting that this entails a zero tax generating revenue facility, stated that he feels it's important that it serve only legal residents of the United States. Mr. Dulmer questioned how they would show residency, and what is the standard to establish that. City Attorney Vance to look at the rules relating to E-Verify. Mr. Dulmer stated there is another section that requires job training, and the ability to apply for employment from the facility. He stated that this was addressing someone already in the facility, noting that those entering the facility will be required to be reported to both a database that tracks the homeless, but to the Sheriff's Department to look for outstanding warrants. Discussion was also held on church facilities.

2:36:58 PM Mr. Dulmer next addressed "Initial Contact and Intake Forms and Evaluations," explaining the City would prepare the form for intake; they would not be involved in preparing any type of medical or mental health evaluation form. Medical testing based on 30 beds would range from \$66,000, up to \$300,000, depending on frequency. The intake form would be used to update the National Homeless Data Base. There would also be coordination with the Sheriff's Department to look for outstanding warrants, etc. Vice Chair Vincent stated this section would also have to include how often testing would take place. Board Member Mills stated he looks at this as relating to the protection of those that run the facility, as well as those in the facility. He doesn't feel medical care and rehabilitation is something they want to deal with.

2:45:16 PM City Attorney Vance suggested if they want to do anything with regard to screening, that they require the provider to coordinate with the County Health Department as to what screening would be necessary. Board Member Sims suggested language to indicate that all State requirements will be met. City Attorney Vance stated she would suggest if the Board wants to write anything, that they leave it at coordination with the County Health Department.

2:47:51 PM Mr. Dulmer referred to item 2. E., and suggested this be deleted since they already have information on intake. This section states "Forms should be uniform throughout all homeless shelters. . ."

2:49:51 PM He next addressed Topic 3, Facility Characteristics, which deals with the ratio of Staff and minimum employees. His recommendation is that item 3. a., is unnecessary which reads "minimum ratio of residents to professional staff 1:20, or portion thereof," because there is 3. C., which states "the minimum number of paid staff when the facility is occupied shall be two." Staff to come back with information on licensed social workers, and whether there are different types of licenses, etc.

2:56:10 PM Mr. Dulmer next addressed public suggestions for Topic 4, Independent Living Plans. His recommendation would be to change the certified nurse to a nurse practitioner, or registered nurse.

2:58:08 PM Mr. Dulmer next addressed item 5, Controlled substances, weapons, fire and alcohol prohibition. Board Member Mills referred to item a., "use of controlled substances should be considered gross misconduct and homeless should be evicted, and suggested revising "should" to "will" - will be evicted. Mr. Dulmer posed the question of whether it was better for someone exposing gross misconduct to be in the facility, or outside of it (public safety). Board Member Sims stated that he assumes that the regulations for crime control would be included in the Management Plan as it relates to the level of tolerance. Board Member Forbes stated that if someone that's acting up, if they're not evicted, they should be restricted to the site for a period of time so as not to impact the community. Mr. Dulmer agreed. The difficulty, however, comes in that they would not be running a prison or detention facility, and how you would keep someone somewhere they don't want to be. Board Member Forbes stated that the operator of the facility has to be responsible for the conduct of his residents, because the insurance policy wouldn't be worth anything, since it only covers anything that occurs on site. Discussion followed on 5 a., and revising "should" to "will." Board Member Bob Thinnes suggested the word "unauthorized" be placed in front of the word "use," to read - Unauthorized use of controlled substances should be considered gross misconduct and homeless. . . " Board consensus to remove the portion of 5 c. which states "over 3.5 inches" as it relates to the blades on knives.

Under Item 7., the Management and Security Plan, Vice Chairman Vincent addressed site maintenance and suggested the 250 foot radius from the premises, be revised to "property line." Also, in item 9, he suggested the last sentence "to ensure that management and/or guests maintain a quiet, safety and cleanliness of the premises and the vicinity" should be placed in item 3, the good neighbor plan. Mr. Dulmer responded it could be placed in either section. Chairman Vincent suggested leaving it where it is, and to note that it's applicable to both. Board Member Sims referred to item 4. Under (6) Management and Security Plan, they address communication with public agencies. He

questions who they are going to communicate with. He feels there has to be someone responsible for receiving that communication. Mr. Dulmer explained that applications will be sent to everyone they've listed in their communication plan in which they are planning to coordinate with. Above and beyond that it will go to everyone else they feel would be impacted by the application. Item 11., "a description of permitted and accessory uses and services to be provided" was removed.

3:23:51 PM With respect to excessive use of an agency, i.e., the Sheriff and/or Fire Departments, Staff to come back with information on what's possible as it relates to fees and what's possible. Mr. Dulmer referred to item 11., Inspections, which does provide a process. City Attorney Vance added that for general services one is not supposed to be charging a fee unless you can show that you have the right to charge that fee. It comes down to if they are talking about excessive uses of municipal and public services, or a nuisance.

3:30:20 PM Under item 7., Sanitary Conditions, Board consensus to remove item 3 "shower facilities not open to casual passersby and non-residents," since the second comment addresses this.

3:31:34 PM Mr. Dulmer next referred to item 8, Shelter Size and Occupancy, and addressed the formula staff used to calculate size, which was about 25. They used 30 because all facilities will have to be approved by City Council. Discussed in the workshop were two locations with a maximum of 15 beds each - integration v. concentration. Vice Chairman Vincent and Board Member Forbes stated they would support 25, for only one shelter per the population of the City. Board Member Sims feels if looking at families, he would agree to 30 maximum, and include all bodies - adults, small children and infants. Mr. Dulmer stated they can separate minor children from the overall number. Staff to come back with a separate calculation for children, and a definition for children and families.

IV. PUBLIC COMMENTS:

3:53:18 PM Carolyn Gallagher addressed controlled substances and agrees with the revision to include the word "unauthorized". Her thought is that if a person is evicted from other facilities in the country it will be known and they would not let them in. It might also keep others from coming here. She also feels that instead of twice a year, that coordination meetings with the City and the surrounding community occur quarterly. She also feels it should have 25 or less beds, and limit the children to age 3 or 6. She would also prefer families.

3:58:14 PM Donna Stone addressed her letter, stating that the citizens are trying to make it as difficult as possible in allowing a shelter in the City. She next read her letter into the record (copy in Clerk's file).

4:20:20 PM Patricia Zimmerman suggested the ordinance indicate only one shelter, and that the number of beds be reduced to 20. She also

suggested prohibiting it from being located 2,500 feet to three quarters of a mile from residential neighborhoods.

4:23:15 PM Deborah Maclean with the Banana Peel, questioned the minutes from the August 16, 2012 workshop.

4:25:46 PM Ron Pure, present on behalf of T.A.G., questioned the calculation mentioned earlier relating to the number of beds, which Mr. Dulmer responded. Mr. Pure also questioned why there were even talks of a homeless shelter coming to the City that will not pay taxes. There are already 35 facilities in the City to assist these type of people. He concluded by suggesting an advisory/referendum question for the ballot.

4:39:06 PM Deb Harrop doesn't feel there's a way to regulate a homeless shelter to ensure safety.

4:40:18 PM Dick Draffone, a resident of Highland Woods, feels it's critical that they tie the facility for use for people from this community only.

4:55:08 PM Carolyn Gallagher stated she was told by the Lee County Sheriff's Office that most of the homeless in Bonita Springs don't want to be in a shelter. The residents fear that social services will cluster in one area, which is something she doesn't want to see happen in the older part of the City. She is also concerned with predators and criminals. Shelters also need to be one half, to one mile from residences.

5:10:36 PM Deborah Maclean agrees the issue regards zoning. The problem regards needs and what is a current need. She referred to work done to Chapter 4, noting that there are four sites in the City that would allow homeless shelters. There may also be other uses they want to rid of. She questioned how to correct what is currently not compatible with the character of the City.

V. NEXT MEETING. September 20, 2012 (Tentative), 8:30 A.M.

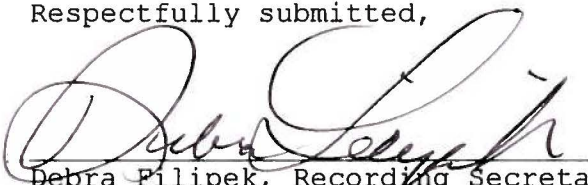
VI. APPROVAL OF MINUTES: 08/16/12

Board Member Forbes motioned approval of the minutes; Board Member Thinnes seconded; and the motion carried unanimously.

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 5:15 P.M.

Respectfully submitted,

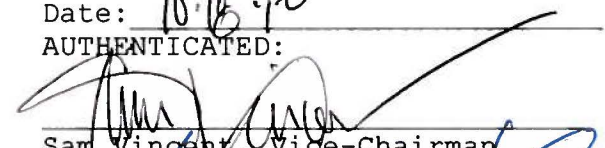

Debra Filipek, Recording Secretary

APPROVED:

LOCAL PLANNING AGENCY:

Date: 10.18.12

AUTHENTICATED:


Sam Vincent, Vice-Chairman


Dianne J. Lynn, City Clerk