

Local Planning Agency
Thursday, September 20, 2012
8:30 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135
MINUTES

I. CALL TO ORDER.

8:31:50 AM Vice Chairman Sam Vincent called the meeting to order at 8:30 A.M. There were approximately 90 members of the public in attendance. Also in attendance was Council Member Bill Lonkart.

II. ROLL CALL.

PRESENT:

Sam Vincent, Vice Chairman
Fred Forbes
Rex Sims
Bob Mills
Henry Bird (arrived 8:36 A.M.)

ABSENT:

Don Colapietro
Bob Thinnies

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

A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN INCLUDING AMENDMENTS TO THE FUTURE LAND USE MAP, TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; CREATING THE RURAL AGRICULTURE OVERLAY DISTRICT; ADOPTING GOALS, OBJECTIVES AND POLICIES TO ENCOURAGE AND PROMOTE A LOCAL FOOD SYSTEM APPROACH; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8:34:28 AM Jackie Genson, Community Development, furnished a brief overview. The Comprehensive Plan Amendment was transmitted to DEO (Department of Economic Opportunity) a few months ago for their review. Staff received a Letter of No Objection from the various agencies. There are no ORC comments to incorporate.

City Attorney Audrey Vance read the title block of the Ordinance into the record. There will be two public hearings before City Council on the Ordinance - October 3, and October 17, 2012.

8:40:28 AM Board Member Rex Sims entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Fred Forbes seconded.

8:41:30 AM At the request of Donna Stone, Staff clarified the locations involved.

The motion carried unanimously.

IV. PUBLIC COMMENTS ON SHELTER REGULATIONS (3 minutes):

8:48:02 AM William Lewis doesn't feel there should be a shelter in the City. Cape Coral doesn't have a shelter, so he questions whether it is mandatory to have a shelter in the City.

8:50:37 AM Deborah Maclean addressed the public, suggesting to them that they not leave until the gavel is hit and the meeting is over.

8:51:11 AM Donna Stone, representing Worthington Country Club, read into the record her submittal opposing a homeless shelter (copy in Clerk's file), addressing crime statistics as a result of such shelters.

8:54:16 AM Rey Fry, a resident of Village Walk, stated that she wants the City to remain quiet. It would not be wise to allow a homeless shelter or halfway house in the City.

8:56:25 AM Karen Schechter was in attendance to voice her opposition to any shelter in the City. There is no such thing as rehabilitation. She feels it will greatly increase crime.

8:59:52 AM Patricia Zimmerman stated she wants very strict regulations for homeless shelters. She also stated that there is a high risk of infectious diseases that occur as a result of these shelters in addition to crime. There needs to be a limit of one shelter with 20 people, not counting children 3 years of age or younger. She also submitted a map depicting crime that has occurred in Collier County over one month's time as a result of a shelter there.

9:03:01 AM Mary Copeland stated Bonita Springs does not need a homeless shelter. She feels another area needs to be looked at. If forced by the State, she wants strong regulations in place.

9:04:52 AM John Calabria was in attendance to ask the Board to not allow a shelter. He doesn't feel even the strictest regulations will help.

9:07:18 AM Meg Jacobson, a resident of Palmira, stated that if the LPA's job is to render a tight ordinance, she would ask that they make it as strict as possible. She opposes any shelter in the City.

9:08:23 AM Karen Droke, a resident of Cedar Creek, stated she worked in a shelter for 16 years, and was present to ask that this not pass, specifically for the safety of the children.

9:08:56 AM Diana Durante stated no one wants a shelter in the City. She questions the distance required between shelters. She also stressed the importance of addressing buffering, setbacks, etc.

9:11:08 AM Carl Zilke addressed the location which relates to "Agenda 21," of which the purpose is to create a socialistic attitude throughout the world. He doesn't feel this is the right way to go. Secondly, he feels property values will decrease as a result of a shelter.

9:13:25 AM Robin Burke, a resident of Village Walk, suggested they write the ordinance to prevent drug addicts, pedophiles, etc. He also feels they should be limited to a stay of one night. He wants to keep the criminal element out.

9:15:01 AM Dave Gallagher of BSafe Bonita, read into the record a newspaper article regarding the current application for a shelter in the Bernwood area. They are opposed to a shelter, but feel steps need to be taken in case it is approved.

9:17:43 AM Deborah Maclean again stressed the importance of attending all meetings.

9:18:12 AM Carolyn Gallagher, a resident of Cedar Creek, reiterated that she doesn't want a shelter in the City, but wants very restrictive regulations in case a shelter is approved.

V. PROVIDE GUIDANCE TO STAFF ON THE INFORMATION COLLECTED FROM THE LOCAL PLANNING AGENCY SHELTER WORKSHOP 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.

9:35:21 AM John Dulmer, began with item 9., Service of Food, to address comments made at previous workshops. Board Member Sims stated that the definition doesn't mention anything about training programs. He believes catering would be good training. Mr. Dulmer next referred to item 10, shelter job training and job placement programs, explaining that the theory was to help them get to a point where they would no longer be homeless. Board Member Sims addressed the need for it to be added to the definition. Mr. Dulmer stated training would be Group I, and possibly Group II; not Group 4. It can be included as an accessory use in the zoning.

9:43:08 AM Vice Chairman Vincent supports a program that would prepare residents for jobs. He questioned other kinds of training, and whether the purpose of a homeless shelter was to train individuals. Mr. Dulmer

responded that a plan could be included, noting that it is much better to help them with work than to just provide a shelter. Board Member Sims addressed permitting, noting that if any of the requested functions fall outside of the definition, they would be addressed in the development order. City Attorney Vance explained there are some planned developments that have the uses already within them. It is possible they can be processed without having to go before City Council if there are not additional regulations. Board Member Sims suggested it be structured so it would be a basic application for a shelter, then, if they include additional services, to require them to go before Council. Mr. Dulmer responded that they currently have regulations like that proposed, as they would be required to include a narrative description as well as a floor plan of their proposal, i.e., wood working.

9:50:42 AM Board Member Forbes asked if the kitchen would be regulated like a restaurant. He feels catering should only be allowed once a month. Mr. Dulmer responded that regulation 9 b. requires any kitchen to meet minimum kitchen standards. Board Member Forbes also suggested ensuring the insurance they carry covers acts off site as well. City Attorney Vance suggested having it run by the City's risk manager, to make sure there's adequate insurance. Board Member Forbes suggested also including language to address computers.

10:01:57 AM Mr. Dulmer next addressed item 11, Inspections, to which Board Member Sims questioned who would monitor the reports. Mr. Dulmer suggested language be included to require the shelter operators to provide the City with all inspection reports - Community Development or Code Enforcement. Vice Chairman Vincent next suggested shortening the time that violations need to be corrected, down from 180 days. After further discussion, it was suggested it be reduced to 30 days. Discussion was also held on violations and the severity of them. Mr. Dulmer stated he was looking to add a new item d., which would be for the shelter operator to provide any inspection results to the City that weren't done by the City within 5 days. The Board can also require them to provide a compliance plan within 10 days, and they would then have 30 days or a specified period of time as part of that compliance plan. Board Member Sims stressed the importance of someone other than the kitchen manager obtain that report. There needs to be a provision that the kitchen manager forwards that report to someone. Mr. Dulmer suggested a statement indicating how long they would have to schedule this before City Council, an appeal process, and some sort of punishment if inspections are not provided.

10:18:30 Mr. Dulmer next addressed item 12, Intake and Discharge. The intent regards the ability of when to take people in and let them out. He explained it's easier to allow someone in, than it is to discharge them, as you cannot hold someone against their will if they decide to leave. They do at least want to require they be taken to a specific address so they're not released out the front door with nowhere to go. Board Member Forbes stated he feels there should be some sort of mileage requirement as to where that address is - they shouldn't have to take

them up to Tampa. Board Member Sims stated that a lot of the rehabilitation facilities provide bus passes. Item a., is fine, but suggested language to state that in cases where people have jobs and have to leave earlier than 8:00 a.m., that would be approved. Mr. Dulmer stated that item 12. regards when residents are discharged, and not just leaving the facility for the day. Mr. Dulmer stated that c. was included to address concerns regarding one of the operational standards for St. Matthews House, in which they require all their residents to leave every day to either work or go look for a job. There was some fear that requiring everyone to leave during the day, if they didn't have a job, would leave them with nothing to do but to wander their neighborhoods. Therefore, as opposed to allow this, Staff included language so they don't require everyone to leave for certain periods of time unless they have a specific place to go.

Under "Expansion of Existing Facilities," per the request of Board Member Sims, Mr. Dulmer suggested language to state "Expansion of Existing Facilities or Services." Discussion was held next on medication, which would be kept in a safe and locked location in the facility. Board Member Forbes next suggested including the following "no resident shall be released from a jail or prison into the custody of said shelter."

Mr. Dulmer next addressed medical treatment, prescription medication, medical exams, etc.

10:37:14 AM Item 15 addresses Insurance Coverage. Board Member Forbes suggested insurance coverage for things that occur off site. City Attorney Vance to research what insurance would be necessary for the Board's next meeting.

10:43:53 AM Mr. Dulmer next addressed item 16, Annual Reporting. Board Member Sims suggested removing c., "Number of residents having mental health issues," which is not a public record item. Reporting to coincide with the Good Neighbor plan, Item VI. a. 3, which requires the facility to meet with the City and the surrounding community at least twice a year. Staff to include language to address issues/problems that come up at the meetings, as well as a process to correct those problems.

Staff to revise as discussed for the LPA's next meeting.

VI. PUBLIC COMMENTS:

10:56:01 AM Alberto Bailleres commented on operational guidelines.

10:59:19 AM Gerri Burke addressed the 30-day limit, and asked if residents would be able to go back into the facility in a few days. The language needs to be clearer since she is nervous about drug addicts, pedophiles, etc. Mr. Dulmer suggested 30 days per year.

11:01:43 AM Saddy Towle, a resident of Highland Woods, stated she volunteered at a homeless facility for two years and would not recommend

getting into the catering business, which opens up a can of worms legally and with insurance. She also addressed the need to contract with a health care facility, as well as the need for training and partnerships with Bonita Springs businesses.

11:03:26 AM Karen Schechter, a resident of Village Walk, feels job training would turn the shelter into an institution, which would also open up a whole new can of worms. She is against a shelter in the City. She feels reporting should be monthly. Also, one can get mental health reports for anyone that is on anti-depressants, etc., on a monthly basis. She also suggested a community advisory board that meets regularly with the shelter administration to allow people in the community to be informed of what's going on and address any issues they may have.

11:05:11 AM Maryann Ziglo, a resident of the Palmira community, questioned whether a homeless mother with two children would be admitted into the shelter. City Attorney Vance responded that sexual offenders, etc., would not be allowed at a shelter that has children.

11:08:32 AM Joan Vonlavin, a resident of Village Walk, addressed item 14. d. regarding job searches, and language she felt was not clear. It also addresses residents in the early stages of drug or alcohol recovery, of which she thought it was clear those type of residents would not be allowed. There were also statements made at the previous meeting, which do not mesh with each other, with some of them contradictory. It's not clear what occurs if a resident is abusing drugs or alcohol.

11:09:40 AM Sharon Wilson, a resident of Village Walk, questioned who would be doing the profiling upon one entering the facility with respect to drug and alcohol use. She feels merchants in the City should be involved with this. She also addressed training and asked what the sense of training would be if merchants aren't willing to employ them.

11:12:59 AM Donna Stone feels the Board's not being strict enough. She referred to a shelter in another area that doesn't allow anyone who has a criminal record in at all. There should also be no admittance if they fail a breathalyzer.

11:15:21 AM Deborah Maclean stated the casino will not hire people with criminal records. There are four parcels zoned similar to the parcel that is zoned for the shelter. She suggested a map reflecting the available parcels.

11:17:33 AM Patricia Zimmerman addressed food service, stating any food preparation should be strictly within the facility, as should job training.

11:18:32 AM Rae Fry addressed the proposed regulations regarding visitors and the hours for visitation. She doesn't feel visitors should be allowed.

VII. NEXT MEETING: October 18, 2012

VIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 11:30 A.M.

Respectfully submitted,

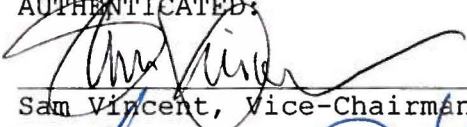

Debra Filipek, Recording Secretary

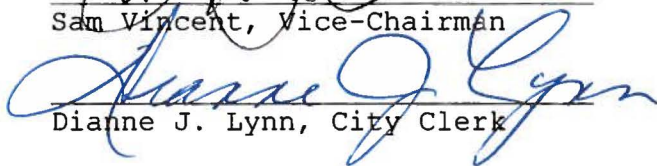
APPROVED:

LOCAL PLANNING AGENCY:

Date: 10-18-12

AUTHENTICATED:


Sam Vincent, Vice-Chairman


Dianne J. Lynn, City Clerk