

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, FEBRUARY 21, 2018  
9:00 A.M.  
CITY HALL  
9101 BONITA BEACH ROAD  
BONITA SPRINGS, FLORIDA 34135  
MINUTES

I. CALL TO ORDER:

Mayor Peter Simmons called the meeting to order at 9:04 A.M.

II. INVOCATION:

Pastor Riley Grandell with Gulfshore Church furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

At the request of Mayor Simmons, Council Member Steve Slachta led in the Pledge of Allegiance.

IV. ROLL CALL:

Mayor Simmons and all Council Members were in attendance.

V. PUBLIC COMMENT ON AGENDA ITEMS

9:09:21 AM Rita Hite, a resident of Imperial Bonita Estates stated she was happy to see Council Member O'Flinn's and Mr. Beever's agenda items!

9:10:03 am Kristi Pimentel hopes Council will consider her request for tenant of Cottage #2.

9:13:37 AM Kathy McGrath commented on agenda items relating to river blockages, the downtown overlay, and lastly, the moratorium on medical marijuana.

9:16:13 AM A unidentified resident since 1981, loves all that's being downtown.

9:17:24 AM Carol Trinity, also a resident of IBE, addressed flooding, they need help with the ditches etc.

9:18:18 AM Rick Steinmeyer hopes Community Development is still waiving permit costs for roofs.

9:18:52 AM John Paeno, representing the Downtown Alliance and CGT Kayaks, addressed agenda item IX. C.

9:20:14 AM Linda Schwartz addressed development in the DRGR and impacts would result from further development there. She also addressed item IX. C., regarding the downtown overlay.

9:21:46 AM Nigel Fullick informed Council of the Art in Public Places Board recommendation regarding the artist cottage, and hopes Council supports their recommendation.

9:24:09 AM Charlie Strader addressed concerns he had with height in the downtown area, per the Comprehensive Plan amendment.

VI. CONSENT AGENDA: (NOTE: ITEMS ON THE CONSENT AGENDA WILL BE CONSIDERED AS ONE UNLESS A SPECIFIC ITEM IS REMOVED BY A COUNCIL MEMBER FOR SEPARATE DISCUSSION.)

Council Member Peter O'Flinn pulled item A. Council Member Slachta motioned approval of the remainder of the Consent Agenda; Council Member Mike Gibson seconded; and the motion carried unanimously.

- A. APPROVE A RESOLUTION APPOINTING A MEMBER TO THE TREE ADVISORY BOARD. (GREENSHEET NO. 18-02-0051)

9:26:44 AM Council Member Peter O'Flinn pulled item A. to thank Ben Hershenson for his service to the City. Council Member O'Flinn motioned approval of the Resolution appointing Mr. Hershenson to the City's Tree Advisory Committee; Council Member Steve Slachta seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 18-09**

- B. CONSISTENT WITH THE RECOMMENDATION OF THE BONITA SPRINGS SPECIAL EVENTS COMMITTEE, APPROVE THE RESOLUTION TO AMEND AND RESTATE RESOLUTION 01-50, RELATED TO THE BONITA SPRINGS SPECIAL EVENTS COMMITTEE FOR THE CITY OF BONITA SPRINGS, MAKING MINOR CHANGES AND REDUCING THE COMMITTEE TO EIGHT (8) MEMBERS. (GREENSHEET NO. 18-02-0052) **ADOPTED RESOLUTION NO. 18-10**

- C. APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND DIANE HEIN AND JENNIFER SANDERS, FOR THE USE OF ARTIST COTTAGE #2 FOR A ONE YEAR TERM. (GREENSHEET NO. 18-02-0054)

VII. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION OF 10 YEARS OF SERVICE AWARD TO CITY EMPLOYEE CHUCK TOMLINSON. ITEM DEFERRED.
- B. INTRODUCTION OF NEIGHBORHOOD SERVICES MANAGER TONY BACKHURST.
- C. PRESENTATION OF 2017 GREEN ACHIEVEMENT AWARD TO MAYOR PETER SIMMONS AND CITY COUNCIL.
- D. PRESENTATION BY JIM BEEVER AND FURTHER DISCUSSION BY COUNCIL ON THE FLOOD REDUCTION REPORT.

9:33:12 AM Jim Beaver next furnished a Powerpoint presentation on his flood reduction report (copy in clerk's file) and addressed his 15 recommended potential solutions. Council comments and questions followed. Council Members to provide any comments they have to the City Manager by the end of the month to give to Mr. Beaver.

- E. PRESENTATION FOLLOW-UP BY COMMUNITY DEVELOPMENT REGARDING DOWNTOWN.

10:30:42 AM John Dulmer, Community Development, next furnished a PowerPoint presentation on the form-based code (copy in Clerk's file) and what it does and how it conveys information on regulations.



VIII. MAYOR AND COUNCIL MEMBER ITEMS:

A. DISCUSSION OF IMPERIAL RIVER BLOCKAGES. (O'FLINN)

10:39:09 AM Council Member O'Flinn addressed this item which he said was limited to shoaling, and not everything the South Florida Water Management District is doing. He addressed emails from constituents about shoaling in the Imperial River. He visited the river twice – once out by Hogue and Broadway, at marker 62. It appears that Brendan Cove community cannot get out because of the sandbar. He feels it would be instructive to provide an explanation on who has jurisdiction, how things work, etc.

10:40:17 AM Public Works Director Matt Feeney responded, explaining jurisdiction for man-made canal systems are typically addressed through an MSTU. The land at the bottom of the river is state rivers and do not typically maintain navigation channels, and thus, it would fall to a more local agency to undertake dredging. The city has been talking to the water management district to address shoaling that would be a result, or that could benefit the flood waters that we've seen, and have asked for that to be incorporated to see if they can memorialize a relationship to address those issues. The next step would be to get a secondary survey on the conditions and then apply to the state and federal permitting agencies, to address. Assistant City Manager Arleen Hunter responded to Council Member O'Flinn question relating to the area of Boardway and Hogue. The City has been working with WCIND who has put forth a funding opportunity to do the dredging at that location. It has passed the WCIND Board, with the next step being taking a survey and forwarding that survey for permitting. The hope is to have it as a fast track or general permit, which could be about 6 months in permitting. She further explained. Council Member O'Flinn stated he would appreciate anything that can be done to expedite Brendan Cove situation. Council Member Quaremba suggested seeing if the Water Management District conduct the survey.

10:49:48 am Council Member O'Flinn stated his request is to continue to work this issue efficiently and quickly, and see what happens with the Water Management District, and if not, bring it back to Council. Mr. Feeney, in response to Mayor Simmons question on what the best way to expedite this would be, Mr. Feeney responded an expedited survey, and further explained.

B. QUADRANT PLAN UPDATE AND DISCUSSION. (O'FLINN)

10:52:47 AM Council Member O'Flinn next furnished an update of the MPO meeting relating to the Quadrant Plan.

IX. PUBLIC HEARING (PUBLIC COMMENT ALLOWED):

- A. CONSIDER PETITION TO VACATE CERTAIN RIGHT-OF-WAY, QUAIL'S NEST LANE, IN THE BONITA EXCHANGE SUBDIVISION. THIS REQUEST AROSE BECAUSE THE EXISTING RIGHT-OF-WAY NO LONGER PROVIDES ACCESS TO THE RESIDENCES AND ENTITLES IT WAS DEVELOPED TO SERVE, AND IS PART OF ZONING ORDINANCE 16-01. (GREENSHEET NO. 18-02-0053)

10:55:56 AM Jay Sweet, Community Development, furnished a brief overview.

No public comments were made.

Council Member O'Flinn motioned approval of the Petition to Vacate; Council Member Greg DeWitt seconded; and the motion carried unanimously.

- B. REQUEST FOR CITY COUNCIL TO ADOPT A RESOLUTION TO CONTINUE THE LANSDOWNE STREET SPECIAL EXCEPTION FOR OUTDOOR CONSUMPTION ON PREMISES TO INCLUDE OUTDOOR ENTERTAINMENT, AS REQUIRED BY ZONING ORDINANCE 17-02. (GREENSHEET NO. 18-02-0048)

11:01:09 am Mike Fiigon, Community Development, furnished a brief overview, as outlined in the Greensheet.

11:06:20 am Charlie Maurer, President of Development Associates and Managing Partner of Lansdowne Street, furnished a brief overview of the request and the hearing that took place approximately one year ago.

Council Member DeWitt motioned to approve; Mayor Simmons seconded.

PUBLIC COMMENT:

11:16:10 AM Carolyn Crew addressed concerns relating noise from Lansdowne. She supports the Resolution as currently written. They don't support extending the instruments, including drums.

11:19:41 AM Charlie Strader does not support including instruments when there is a noise ordinance.

11:20:40 AM Rick Steinmeyer questioned the word "nuisance."

11:21:41 AM Neale Montgomery addressed the Resolution previously approved.

Council discussion was held.

11:28:46 AM City Attorney Vance addressed modifications to the Zoning Resolution.

The motion carried unanimously. **ADOPTED RESOLUTION NO. 18-R03**

- C. CONTINUATION OF THE JANUARY 3, 2018 PUBLIC HEARING TO COMMENCE THE TRANSMITTAL PROCESS TO AMEND THE OLD 41 TOWN CENTER MIXED-USE REDEVELOPMENT AREA OVERLAY FUTURE LAND USE CLASSIFICATION CATEGORY AS A COMPREHENSIVE PLAN TEXT AMENDMENT TO THIS CATEGORY, AND IF APPROVED, TRANSMIT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) THROUGH THE EXPEDITED STATE REVIEW AMENDMENT PROCESS:

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 02-16, AS AMENDED, SO AS TO AMEND THE FUTURE LAND USE ELEMENT POLICY 1.1.11.A.5 OF THE OLD 41 TOWN CENTER MIXED-USE REDEVELOPMENT AREA OVERLAY TO ALLOW DENSITIES, INTENSITIES, AND RANGE OF USES TO BE BLENDED WITHIN A UNIFIED PLANNED DEVELOPMENT ZONING DISTRICT; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (GREENSHEET NO. 18-02-0050)

11:34:35 am Ryan Binkowski, with Waldrop Engineering, introduced Wojciech Kulicki with PK Studies, who was in attendance to present the application. Jackie Genson, Community Development, presented the Staff Report via a PowerPoint presentation (copy in Clerk's file).



12:47:40 PM Council Member Gibson motioned to commence with the transmittal process to DEO through the expedited state review amendment process; Council Member Forbes seconded.

12:48:38 PM Council discussion was held. Council Member O’Flinn left the meeting at 12:57 p.m.

PUBLIC COMMENT

1:02:20 PM Rick Steinmeyer stated that he supports moving forward.

The motion passed 5-1.

X. FIRST READING OF THE FOLLOWING ORDINANCE (PUBLIC COMMENT ALLOWED):

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; EXTENDING BONITA SPRINGS ORDINANCE NO. 17-01; AS AMENDED BY BONITA SPRINGS ORDINANCE NO. 17-15; EXTENDING THE TEMPORARY MORATORIUM ON CANNABIS DISPENSING BUSINESSES; PROVIDING FOR GEOGRAPHIC AREA COVERED; PROVIDING FOR PENALTIES, CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY, SCRIVENER’S ERRORS; PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 18-02-0031)

1:07:31 PM City Attorney Vance read the title block of the ordinance into the record.

1:07:53 PM Ben Hershenson supports the continuation of the moratorium, as he feels that more information is needed.

1:09:51 pm An unidentified gentleman was in attendance to voice his support for medical marijuana. He suggested City Council reconsider the moratorium.

1:12:15 pm Kathy McGrath voiced her support of the use of medical marijuana.

1:12:43 pm Miguel disagrees with the moratorium.

1:25:58 pm Council Member Forbes motioned to approve; Council Member Quaremba seconded.

The motion failed 3-3 (Council Member DeWitt, Slachta and Gibson opposed).

Council Member Gibson left the meeting at 1:27 p.m.

XI. PUBLIC COMMENT:

1:27:04 PM Kathy McGrath reported that BSU won the Outstanding Water Distribution award. She also informed everyone of upcoming events.

1:30:08 pm Rick Steinmeyer commented on utility costs.

1:30:28 pm Miguel addressed internet service in Chatanooga, which has cheaper service for all and suggested City Council try to go forward with the same service.

XII. CITY ATTORNEY’S REPORT:

1:31:33 PM City Attorney Vance informed City Council of hearings for BG Mine that are scheduled for March 6 thru 9, 2018.

XIII. CITY MANAGER'S REPORT:

A. REVIEW OF JANUARY 2018 MONTHLY CAPITAL PROJECTS STATUS REPORT.  
(GREENSHEET NO. 18-02-0050)

Informational.

City Manager Schwing next announced that the groundbreaking for the new library has been scheduled for 2:00 p.m., Thursday, March 8, 2018 on site.

B. UPDATE ON UPCOMING WORKSHOPS:

✓ ALTA – FEBRUARY 27, 28 AND MARCH 1, 2018; AND

✓ OPTIONAL AMENDMENTS TO THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN - MARCH 5 (LAND USE), MARCH 6 (TRANSPORTATION) AND MARCH 8, 2018 (HOUSING); AND – POSTPONED. WILL COME BACK WITH NEW DATES.

✓ DPZ - APRIL 9, 10, 11 AND 12, 2018

✓ MARCH 12, 2018, 8:00 A.M. ZONING BOARD WORKSHOP.

XIV. MAYOR AND COUNCIL REPORTS:

1:35:21 PM Council Member Quaremba informed Council of continued work on the evaluations.

1:36:22 pm Council Member Slachta addressed the passing of Reverend Billy Graham.

1:36:37 pm Council Member Forbes addressed misinformation on BSU votes.

1:37:21 pm Mayor Simmons reported disappointing news in that the City of Bonita Springs was not selected for the 2018 Bloomberg Challenge – the Mayor's Challenge. The City can now apply for the Bloomberg Philanthropies Public Art Challenge.

XV. APPROVAL OF MINUTES: 02/07/18 (CITY COUNCIL WORKSHOP AND CITY COUNCIL MEETING)

Council Member Forbes motioned approval of both sets of Minutes; Council Member DeWitt seconded; and the motion carried unanimously.

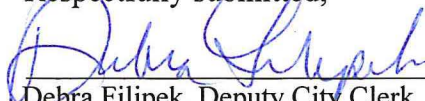
XVI. PUBLIC COMMENT:

1:39:06 PM Rick Steinmeyer informed all about the upcoming election.

XVII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 1:40 P.M.

Respectfully submitted,

  
Debra Filipek, Deputy City Clerk

APPROVED:  
CITY COUNCIL

Date: 3/13/18

AUTHENTICATED:  


Peter Simmons, Mayor