

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JANUARY 7, 2015
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER:

Deputy Mayor Steve McIntosh called the meeting to order at 5:30 P.M.

II. INVOCATION:

Pastor Jeff Chitwood with Anchor Christian Church furnished the invocation.

II. PLEDGE OF ALLEGIANCE:

Council Member Steve Slachta led in the Pledge of Allegiance.

III. ROLL CALL:

Deputy Mayor McIntosh and all Council Members were in attendance, except for Mayor Ben Nelson.

V. PUBLIC COMMENT ON AGENDA ITEMS

5:32:48 PM Kathy McGrath commended Ms. Rosalva Cruz Hernandez on the wonderful essay she wrote.

5:33:37 PM Gary Price was in attendance to ask that Council support and approve Agenda Item VII. B., regarding the requested Special Event Permit for the Lions Eye Clinic's "Inaugural Eye Ball Soiree" to be held at the Wonder Gardens.

5:35:21 PM Jessie Purdon, a resident of District 2, stated that he agreed with comments made by Mr. Price relating to the Wonder Gardens property. He also addressed the sign Ordinance, stating that unless the language regarding color is stricken, it shouldn't be passed.

VI. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION BY LEE COUNTY SHERIFF'S DEPARTMENT RECOGNIZING THE FAMILIES SELECTED FOR THEIR HOLIDAY PROGRAM.

5:37:51 PM Deputy Dan Markovich, with the Lee County Sheriff's Office, furnished a brief overview of the contest involving Spring Creek and Bonita Springs Elementary schools' "Who is your Role Model" contest. Certificates of Congratulations were next presented to all the winners: Bonita Springs Elementary – Sherlyn Gomez-Santiago, Tony Gomez Rangel, Madison Foreman, Marcos Corona Parra, Nadia Villanueva, and Romeo Moreno. Spring Creek Elementary – Ana Coban-Alonzo, Jayleen Valero-Barrientos, Edwin Carsolio, Dorelis Merino-Alonzo, Richie Sheckler, and Morgan Gahan.

- B. PRESENTATION OF A CERTIFICATE OF RECOGNITION TO ROSALVA CRUZ HERNANDEZ FOR WINNING THE BEST MIDDLE SCHOOL ESSAY FROM CONSTITUTING AMERICA'S ANNUAL WE THE FUTURE CONTEST.

5:46:34 PM Deputy Mayor McIntosh next presented Rosalva Cruz Hernandez with a Certificate of Recognition for winning the best Middle School Essay from Constituting America's Annual "We the Future" contest. Ms. Cruz Hernandez was in attendance to accept the Certificate and to thank Deputy Mayor McIntosh and City Council.

- C. PRESENTATION BY BILLY HATTAWAY, FLORIDA DEPARTMENT OF TRANSPORTATION, REGARDING COMPLETE STREETS

5:50:22 PM Billy Hattaway, with the Florida Department of Transportation, next furnished a PowerPoint presentation (copy in Clerk's file) on the "Complete Streets."

- D. PRESENTATION BY FRED FORBES REGARDING HIS VIEWPOINTS ON THE DRGR RECOMMENDATIONS. (GREENSHEET 15-01-0011) **ITEM PULLED PER MR. FORBES.**

- VII. 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.)

6:18:16 PM Council Member Janet Martin motioned approval of the Consent Agenda; Council Member Bill Lonkart seconded; and the motion carried unanimously.

- A. AUTHORIZE THE MAYOR TO SIGN A RESOLUTION TO APPROVE A CONTRACT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY BEAUTIFICATION GRANT FOR LANDSCAPE CONSTRUCTION AND MAINTENANCE FOR ARROYAL POND, UPON APPROVAL OF DOCUMENTS BY THE CITY ATTORNEY. (GREENSHEET NO. 15-01-0009) **ADOPTED RESOLUTION NO. 15-01**
- B. APPROVE SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE LIONS EYE CLINIC'S "INAUGURAL EYE BALL SOIREE" ON SATURDAY, JANUARY 31, 2015 FROM 5:00 P.M. TO 10:00 P.M. AT THE EVERGLADES WONDER GARDENS. (GREENSHEET NO. 15-01-0012)
- C. APPROVE SPECIAL EVENT PERMIT APPLICATION FOR FIRST BAPTIST CHURCH FOR A CENTENNIAL CELEBRATION OUTDOOR CHURCH SERVICE ON SUNDAY, MARCH 1, 2015 FROM 10:00 A.M. TO 11:30 A.M. AT RIVERSIDE PARK. (GREENSHEET NO. 15-01-0013)

- VIII. PUBLIC COMMENT:

6:18:46 PM Richard Ferreira addressed the issue of flag protocol and concerns that the City does not have its own code for fallen law enforcement and firefighters. He addressed legislation he would like to see regarding the issue. Deputy McIntosh requested that the subject be brought back to City Council, inclusive of allowing the Mayor to be able to lower the flag at events. He also addressed the importance of solar energy, and his hopes that it's an allowable use in the DRGR.

IX. PUBLIC HEARING:

- A. ADOPT RESOLUTION CREATING THE ADMINISTRATIVE CODE FOR THE ADOPT A ROAD PROGRAM. (GREENSHEET NO. 15-01-0010)

6:23:18 PM City Attorney Audrey Vance furnished a brief overview of the program, which would be overseen mainly by the City's front desk staff. A brief discussion was held.

6:26:14 PM Council Member Martin motioned adoption of the Resolution; Council Member Slachta seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-02**

X. SECOND READINGS AND PUBLIC HEARINGS OF THE FOLLOWING ORDINANCES (PUBLIC COMMENT ALLOWED):

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING BONITA SPRINGS LAND DEVELOPMENT CODE §3-440, REQUIRED TRANSIT FACILITIES FOR LARGE-SCALE RETAIL ESTABLISHMENTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-01-0005)

City Attorney Vance read the title block of the Ordinance into the record.

No public comments were made.

Council Member Slachta motioned adoption of the Ordinance; Council Member Peter Simmons seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-01**

- B. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING SECTIONS 4-869 AND 4-887 TO REVISE THE COLOR PALETTE AND PROCEDURES IN THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT TO PERMIT ADDITIONAL COLORS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-01-0006)

6:31:39 PM City Attorney Vance read the title block of the Ordinance into the record, furnishing a brief overview of changes.

No public comments were made.

6:31:52 PM Council Member Martin motioned adoption of the Ordinance; Council Member Mike Gibson seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 15-02**

- C. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, AMENDING AND REPLACING THE SIGN ORDINANCE, CHAPTER 6 OF THE CITY OF BONITA SPRINGS LAND DEVELOPMENT CODE; AMENDING THE FOLLOWING SECTIONS: 6-1 PURPOSE AND INTENT OF CHAPTER, 6-2 DEFINITIONS AND RULES OF CONSTRUCTION, 6-4 APPLICABILITY OF CHAPTER, 6-5 PROHIBITED SIGNS, 6-6 PERMITTED SIGNS, 6-7 PARKING OF ADVERTISING VEHICLES, 6-37 VARIANCES AND SPECIAL EXCEPTIONS, 6-38 PERMITS; INSPECTIONS, 6-39 NONCONFORMING SIGNS, 6-40 SIGN SETBACK OPTION, 6-69 MEASUREMENT OF SIGN AREA, 6-70 MEASUREMENT OF SIGN HEIGHT, 6-72 CONSTRUCTION STANDARDS; LANDSCAPING, 6-73 SIGN AND STREET IDENTIFICATION AND MARKING; 6-111 TEMPORARY SIGNS, 6-112 PERMANENT SIGNS

IN RESIDENTIAL AREAS, 6-113 PERMANENT SIGNS IN COMMERCIAL AND INDUSTRIAL AREAS, 6-114 INTERSTATE HIGHWAY INTERCHANGE AREA SIGNS, 6-115 PERMANENT SIGNS IN THE BONITA BEACH ROAD CORRIDOR, 6-116 PERMANENT SIGNS ON OLD U.S. 41 FROM BONITA BEACH ROAD TO ROSEMARY STREET, AND 6-148 BILLBOARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 15-01-0004)

[6:32:24 PM](#) City Attorney Vance read the title block of the Ordinance into the record. She next addressed revisions made as a result of Council's December 17, 2014 meeting. She also informed Council of two emails she received requesting the Ordinance be deferred to Council's next meeting (copies in Clerk's file).

No public comments were made.

[6:35:52 PM](#) Council Member Martin motioned adoption of the Ordinance; Council Member Slachta seconded.

Council Member Gibson stated he feels that banning any colors is going against freedom of speech, after which he motioned to remove all color restrictions. Deputy McIntosh clarified that there was a current motion on the floor. City Attorney Vance stated her belief was that Council Member Gibson was asking for the motion to approve, to allow modification to the document in the whole. Council Member Gibson stated that was correct if that was to remove the color restrictions. He stated he does not agree to the banning of primary and secondary colors - the new changes. Assistant City Attorney John Gucciardo asked if that was a request to amend the original motion, to which Deputy Mayor McIntosh stated it is, however, there was a motion and a second on the floor. He asked if roll call was to be taken first, to which City Attorney Vance stated it was to determine whether to accept the secondary motion.

[6:37:48 PM](#) Council Member Martin clarified that her motion is to stand by the original Ordinance, as written. Council Member Slachta also to remain with his second to the motion as stated.

The motion failed 3-3 (Council Members Gibson, Lonkart and Simmons opposed).

Council Member Gibson explained he would like to remove the restrictions relating to the primary and secondary colors. Jay Sweet, Community Development, responded to concerns raised relating to colors. Council Member Gibson stated that the intent is for a common background color on signage. He suggested that signage with multiple entities, that wording be included for them to all have the same color background, but not restrict the color they choose – let them choose what color they want for the background.

[6:40:37 PM](#) City Attorney Vance stated this would entail removing the three definitions on page 6 - Color – primary; Color – secondary; and Color Hue, Saturation, and Value (HSV). It would also pertain to page 15, item 29) "Monument signs that contain more than one primary color." Consensus to change the word "primary" to "background." City Attorney Vance suggested removing item 30) and to change item 29) as stated. Discussion followed, with Assistant City Manager Gucciardo suggesting that the Ordinance be deferred to Council's next meeting to allow Staff to meet with Council Member Gibson and try to articulate in writing to City Council and bring it back and focus on just those changes.

[6:47:41 PM](#) Council Member Martin reiterated her motion to adopt the Ordinance except for Council Member Gibson's concerns regarding the monument signs and colors, to allow Staff to bring it back to Council at their next meeting for Council to work through those items. City Attorney Vance offered three suggestions – 1) adopt the Ordinance, but leave out the color for Staff to bring back; 2) continue the Ordinance for two weeks; or 3) start looking at those revisions if they go forward with those provisions. Council Member Gibson suggested passing the Ordinance, make the changes, but leaving the colors the way they were before the changes.

[6:52:22 PM](#) Arleen Hunter, Development Services Director, explained that this is part of the City's overall beautification plan for the City that was identified through the Strategic Planning Session. Staff's concern in adopting the Ordinance without the colors is that there's no enforcement on colors, thereby allowing people to come in tomorrow and apply for a sign permit and have whatever colors that they like. Staff does want to make sure that they get Council Member Gibson's vision correctly. Staff's choice would be to postpone it for one meeting to allow Staff to bring back language for the vision that Council Member Gibson has. Should Council wish to move forward with approving the Ordinance without the colors, Staff will do their best to make it work.

[6:53:20 PM](#) Council Member Martin stated that she felt that Council's best option would be to postpone it to Council's next meeting to allow Council Member Gibson time to work with Staff. Council Member Martin next withdrew her motion, as did Council Member Slachta.

In response to Council Member Bill Lonkart, Mr. Sweet stated that Staff did have discussions with the Seyer Group since Council's last meeting. Mr. Sweet informed Council that they (the Seyer Group) believe that one should be able to gauge the height of the sign based on the speed of the road. He further explained to her that his concern with her suggested language is that you're then writing an ordinance that changes the speed of the road resulting in all the signs becoming non-conforming. He further addressed the issues they discussed. Council Member Lonkart stated he agrees with the suggestion to continue the ordinance to allow the two people who sent emails to speak again.

[6:57:20 PM](#) Council Member Gibson motioned to approve the Ordinance, with the removal of the primary and secondary colors; Council Member Simmons seconded; and the motion passed 4-2 (Deputy Mayor McIntosh and Council Member Martin opposed). **ADOPTED ORDINANCE NO. 15-03**

XI. CITY ATTORNEY'S REPORT.

- A. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LAND DEVELOPMENT CODE SECTIONS 4-1215 THROUGH 4-1225 TO UPDATE THE WIRELESS COMMUNICATION FACILITIES. THE ORDINANCE WILL BE SCHEDULED ON FEBRUARY 4, 2015 FOR ITS FIRST READING AND PUBLIC HEARING AND FEBRUARY 18, 2015, WITH LOCAL PLANNING AGENCY REVIEWING ON JANUARY 15, 2015. (GREENSHEET NO. 15-01-0001)

[6:58:26 PM](#) City Attorney Vance addressed this item by referring to the errata sheet, which reflects changes requested by the Port Authority. This is for Permission to Advertise for a wireless communication facilities Ordinance. The Ordinance will be reviewed by the Local Planning Agency on January 15, 2015.

[6:59:22 pm](#) Council Member Martin motioned to move forward with a first reading of the Ordinance on Wednesday, February 4, 2015; Council Member Gibson seconded; and the motion carried unanimously.

- B. PERMISSION TO ADVERTISE AN ORDINANCE CREATING THE CITY OF BONITA SPRINGS STORMWATER CONVEYANCE MAINTENANCE ORDINANCE. THE ORDINANCE WILL BE SCHEDULED FOR A FIRST READING ON JANUARY 21, 2015, AND A SECOND READING AND PUBLIC HEARING ON FEBRUARY 4, 2015. (GREENSHEET NO. 15-01-0002)

[7:00:00 pm](#) City Attorney Vance read the title block of the Ordinance into the record, addressing the intent. The Ordinance has also been reviewed by the South Florida Water Management District. This also entails a request for permission to advertise.

[7:01:11 pm](#) Council Member Martin motioned to move forward with a first reading of the Ordinance on Wednesday, January 21, 2015; Council Member Gibson seconded; and the motion carried unanimously.

- C. PERMISSION TO ADVERTISE AN ORDINANCE AMENDING LAND DEVELOPMENT CODE SECTIONS 3-486 THROUGH 3-497 TO REVISE COMMERCIAL BUILDING DESIGN STANDARDS. THE ORDINANCE WILL BE SCHEDULED ON FEBRUARY 4, 2015 FOR ITS FIRST READING AND PUBLIC HEARING AND FEBRUARY 18, 2015, WITH LOCAL PLANNING AGENCY REVIEWING ON JANUARY 15, 2015. (GREENSHEET NO. 15-01-0003)

7:01:45 PM City Attorney Vance read the request into the record, stating that this is also for Permission to Advertise.

7:02:18 pm Council Member Martin motioned to move forward with a first reading and public hearing of the Ordinance on Wednesday, February 4, 2015; Council Member Simmons seconded; and the motion carried unanimously.

XII. CITY MANAGER'S REPORT:

7:02:48 PM Assistant City Manager Gucciardo updated Council on the library, which he informed them is moving forward at the County level. He also re-introduced Code Enforcement Director Frank Cassidy. He also informed Council that Finance Director Lisa Pace will be leaving employment with the City. Lastly, he was happy to inform Council that Arleen Hunter, Director of Development Services, was back at work from maternity leave.

XIII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

- A. A RESOLUTION APPOINTING A CHAIR TO THE CITY OF BONITA SPRINGS BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS; AND PROVIDING FOR AN EFFECTIVE DATE. (GREENSHEET NO. 15-01-0008)

Council Member Slachta motioned the re-appointment of Roger Brunswick as Chairman to the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals; Council Member Lonkart seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-03**

- B. A RESOLUTION APPOINTING A CHAIR TO THE CITY OF BONITA SPRINGS LOCAL PLANNING AGENCY; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 15-01-0007)

Council Member Slachta motioned the re-appointment of Henry Bird as Chairman to the City of Bonita Springs Local Planning Agency; Council Member Lonkart seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 15-04**

7:06:39 pm Council Member Slachta reminded everyone of events scheduled for January 16th and 17th, 2015 relating to the Wounded Warriors. He also thanked American Legion Post #303 for collecting \$1,355.00 for the shopping spree.

7:07:25 pm Council Member Martin reminded everyone that the Center for the Arts Bonita Springs' National Art Festival is this weekend downtown both Saturday and Sunday from 10:00 A.M. to 5:00 P.M. Also, the Bonita Springs' Dog Park is having their official opening on January 24, 2015 from 10:00 a.m. to 2:00 p.m., along with their "Waggin and Walkin" dog event. She thanked Parks and Recreation Staff for their participation and work in raising money for Brooks Legacy, a non-kill shelter. Lastly, she reported that the next scheduled Movies in the Park is scheduled for February 21, 2015, which is being sponsored by Bonita Springs Fire and Rescue. The feature film is Disney: Planes Fire & Rescue.

XIV. APPROVAL OF MINUTES: 12/15/14 & 12/17/14

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

XV. PUBLIC COMMENT:

7:09:24 PM Assistant Chief Dewitt reported that the Bonita Springs Fire Department is sponsoring the next scheduled Movies in the Park.

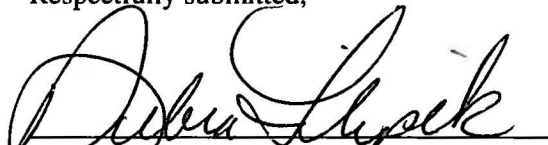
7:10:58 PM John Paeno, with CTG Kayaks, stated he wanted to remind everyone historic downtown merchants will be open this weekend during the Art Festival.

7:11:55 PM Kathy McGrath addressed two articles in USA Today relating to revitalization and chickens.

XVI. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 7:15 P.M.

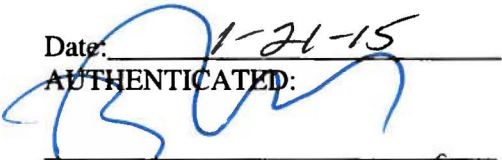
Respectfully submitted,

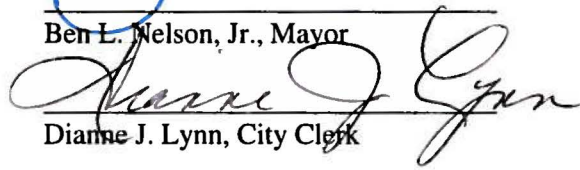

Debra Filipek, Recording Secretary

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 1-21-15

AUTHENTICATED:


Ben L. Nelson, Jr., Mayor


Dianne J. Lynn, City Clerk