

CITY COUNCIL  
CITY OF BONITA SPRINGS  
WEDNESDAY, MAY 20, 2015  
9:00 A.M.  
CITY HALL  
9101 BONITA BEACH ROAD  
BONITA SPRINGS, FLORIDA 34135  
MINUTES

I. CALL TO ORDER:

Mayor Ben L. Nelson, Jr. called the meeting to order at 9:00 A.M.

II. INVOCATION:

Dr. Jack Haberer, Pastor with Vanderbilt Presbyterian Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

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

IV. ROLL CALL

Mayor Nelson and all Council Members were in attendance.

V. PUBLIC COMMENT ON AGENDA ITEMS

9:04:02 AM Alex Grantt, a member of the City's Historic Preservation Board, was in attendance to express his support for the creation of an Historic Village as addressed in Agenda Item VI. B.

9:05:05 AM Bonnie Whitmore, present on behalf of the Historic Society and its members, stated she was here to offer the Society's support for the preservation of history and the concept and creation of a Historic Village.

9:06:53 AM Amanda Estes, a vendor with the Promenade, was present to ask that Council support their request for a farmer's market.

9:07:20 AM Also a vendor with Local Roots, an unidentified woman with the French Artisan, was in attendance to request Council's support to allow them to hold a farmer's market.

9:08:33 AM Peter Moore, also a vendor with Local Roots LLC, was also in attendance to ask for Council's support and to approve their request to have a farmer's market.

9:09:21 AM Char Lupke, Director of Lion's Eye Clinic and Lion's Club, was in attendance to express her support for the Lion's Club and Eye Clinic. When they moved their market their income decreased greatly, and they were not able to raise enough to support their eye clinic. She is here to ask that City Council allow them to continue their market to support their eye clinic.

9:10:49 AM Iris Putnam, also a member and vendor with the Lion's Club, was present to ask that Council approve their request to have a farmer's market to allow them to continue to support the community and provide scholarships. They would like Local Roots to contribute \$4,000 to their scholarship fund to help local children.

9:12:57 AM Linda Walker, a resident of the City for 11 years, stated she is a member of the Bonita Springs Historic Society, was in attendance to express her support for the creation of an Historic Village along Old 41 so it's in walking distance, and adjacent to the park and local businesses in the area.

9:15:22 AM Jean Bear, co-owner of the Local Roots farmer's market, thanked Council for considering their request to have a farmer's market. They met with the Lion's Club to discuss other venues and talk about fund raising venues to raise the Lion's Club request for \$4,000 to their scholarship fund, one of which entails a table dinner. Another suggestion was for a table to be placed at the market to collect donations.

9:18:18 AM Barb Harrington, Marketing Director with the Promenade, stated that she has known Betsy and Jean since 2008. Sharing space with non-profits is something she has done for years. The Promenade is looking forward to having Local Roots come back, and in working with the Lion's Club.

9:19:58 AM Fred Forbes was also in attendance to express his support for the creation of a Historic Village in the City of Bonita Springs. He hopes that it's done in a manner that it will be "walkable."

9:21:11 AM Nicole Kozak, owner of an egg and poultry farm in the City, stated she is a vendor with Local Roots at the Promenade where she sells her eggs. She is also a realtor and it is important for her buyers and sellers to be able to visit the market.

9:22:13 AM Rick Steinmeyer stated he completely supports whatever the Historical Society does to keep the neighborhood presentable and valuable.

9:23:13 AM Charlie Strader was also in attendance to express his support for a Historic Village and to thank Council for funding the Historic Preservation Board and all they do.

9:26:28 am Jessie Purdon also expressed his support for the creation of a Historic Village in the City. He also supports the request for Staff to put forth LOI's for additional murals in the City. He also supports the amendment for the East Bonita Active Adult CDD and sees it as a win-win for the City.

9:28:39 AM Martha Simons thanked Council Member Simmons for inviting Mr. Beever to come to make his presentation on the State of the Bay 2014. She next addressed page 2 of the submittal she furnished to Council (copy in Clerk's file), and stated that she feels there is already a historic district in the downtown area. She also asked that Council support the Lion's Club.

## VI. PROCLAMATIONS AND PRESENTATIONS:

### A. PRESENTATION OF CERTIFICATE OF APPRECIATION TO FORMER LEE COUNTY COMMUNITY DEVELOPMENT DIRECTOR MARY GIBBS.

9:32:49 AM Mayor Nelson next presented a Certificate of Appreciation to former Lee County Community Development Director Mary Gibbs for all of her assistance to the City of Bonita Springs and always being a friend to the City. Ms. Gibbs was in attendance to accept the Certificate of Appreciation and to thank Mayor Nelson and City Council Members.

### B. PRESENTATION ON BEHALF OF HISTORIC PRESERVATION BOARD REGARDING THE "HISTORIC VILLAGE" CONCEPT, AND DIRECTION TO STAFF RELATIVE TO SAME. (GREENSHEET NO. 15-05-0157)

9:36:10 am Council Member Martin introduced this agenda Item, explaining that the Board feels it is now the time to move forward on an historic village. There is a member of the Board who has done this before. It's really

important with what's occurring downtown, and as the City revitalizes and brings new life downtown, they don't want to lose the old life and the stories. It's time to create that "safe place" where they can place those historic structure that might not otherwise have a place. She referred to item 7 of the article attached to the Greensheet titled "Leverage Heritage Resources," an explained that there are economic dollars in historic buildings. People search out history and is something they get excited about. She is asking for Council's support moving forward.

9:39:44 am Assistant City Manager John Gucciardo addressed the differences between the concepts of "Historic Village" and "Historic District."

9:41:03 am Jay Welsch, a member of the City's Historic Preservation Board, addressed the concepts of historic districts versus historic villages, and the background and intent as set out in the Greensheet. The Historic Preservation Board supports Approach 3 titled "Usage for Economic & Business PLUS art park."

9:49:27 AM In response to Council Member Simmons question relating to costs, Mr. Welsch explained that he spoke with several companies who estimated between \$150,000 and \$200,000 for the next step and to start the project. He added that this cost would be temporary and was something the City would get back later down the road. If handled professionally, there will be no costs to the city.

9:52:00 am Assistant Manager Gucciardo stated that if City Council is interested in the concept, Staff would bring forward a proposal for an RFP to get consultants to go forward with the project, and Staff would cost out what they feel it would take to accomplish that, and bring it back to Council at this upcoming budget cycle for implementation next fiscal year. Again, all Staff is looking is direction as to whether the concept is still a viable concept. Discussion followed.

10:00:43 AM Council Member Lonkart asked how many acres this would entail, to which Mr. Welsch stated that was a question he could not answer because of the mix of structures. It would be a task for the consultant to address.

10:04:17 AM Mayor Nelson suggested asking the consultant what they felt the best way to do this would be. After further discussion, Council consensus to ask the Consultant if there is a better way to do this. To develop the RFP and bring back.

**C. PRESENTATION BY JIM BEEVER, WITH THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL, ON THE STATE OF THE BAY.**

10:08:28 AM Jim Beaver, with the Southwest Regional Planning Council, next furnished a PowerPoint presentation (copy in Clerk's file) to present the State of the Bay 2014 report, which he explained is done every five years. The next report will be conducted in 2019. All documents and reports are available on the RPC's website.

10:28:23 AM Mr. Beaver, in response to Mayor Nelson, stated he can work with the City on land acquisition.

10:33:45 AM In response to Council Member Steve McIntosh, Mr. Beaver stated that the City is definitely making progress with respect to water quality. He would suggest legislation to get control of the issue relating to copper. He further explained that the natural waters of DRGR have no natural pollutants, and that filter marshes are a very effective way to deal with pollution created by people. He also suggested looking at areas that are on septic and ways to ensure they are properly maintained. He also suggested that any new proposals by the City relating to areas along waterbodies that the City looks at setbacks and vegetative buffers, inclusive of upland vegetation which can hold back pollutants from going into the water.

**D. PRESENTATION OF AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED SEPTEMBER 30, 2014 BY JEFF BROWN, CPA, PARTNER WITH THE AUDIT FIRM OF ASHLEY, BROWN & COMPANY, CPA'S. (GREENSHEET NO. 15-05-0158)**

10:37:22 AM Anne Wright, the City's Finance Director, next introduced Mr. Jeff Brown, CPA, with the firm of Ashley, Brown & Company, who was in attendance to present the audited financial statement report (copy in Clerk's file).

10:38:00 AM Jeff Brown, with the firm of Ashley Brown, next presented the Audited Financial Statements for Fiscal Year Ended September 30, 2014. After furnishing a brief overview of the contents of the report, Mr. Brown reported that the City is financially sound as of September 30, 2014.

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.)

10:43:32 am Council Member Peter Simmons requested items A. and B. be pulled.

Council Member Steve Slachta motioned approval of item C.; Council Member Martin seconded; and the motion carried unanimously.

- A. APPROVE A PERMIT FOR THE LOCAL ROOTS, LLC TO OPERATE A FARMER'S MARKET AT 26795-27911 SOUTH BAY DRIVE, BONITA SPRINGS ON SATURDAYS OCTOBER 3<sup>RD</sup>, 2015-APRIL 30<sup>TH</sup>, 2016. (GREENSHEET NO. 15-05-0163)

10:45:46 AM Communications Manager Lora Taylor explained that the promenade has awarded the agreement to Local Roots, but were not interested in renewing with the Lion's Club. She further explained, and informed Council that the suggestion regarding the table was discussed, but Mr. Hilliard explained that they did not like to solicit funds in that manner. A brief discussion followed.

10:49:25 AM Council Member Bill Lonkart stated that he felt that the City has a moral obligation to see if they can help the Lion's Club in any way.

10:52:31 AM Council Member Slachta motioned approval of both Items A. and B.; Council Member Janet Martin seconded; and the motion carried 5-2 (Council Members Simmons and Lonkart)

- B. PERMIT BONITA SPRINGS LION'S CLUB TO OPERATE AN OUTDOOR FLEA MARKET ON SATURDAYS OCTOBER 2015-APRIL 2016 FROM 7:00 A.M.-1:00 P.M. AT THE NAPLES/FORT MYERS GREYHOUND TRACK LOCATED AT 10601 BONITA BEACH ROAD S.E., BONITA SPRINGS. (GREENSHEET NO. 15-05-0162)
- C. AUTHORIZE STAFF TO ADVERTISE A REQUEST FOR LETTERS OF INTEREST (LOI) FOR SOLICITATION OF ARTISTS TO CREATE A MURAL AT ONE (OR MORE) SITES LOCATED WITHIN THE DOWNTOWN AREA. (GREENSHEET NO. 15-05-0166)

VIII. PUBLIC HEARING (PUBLIC COMMENTS ALLOWED):

- A. HOLD THE SECOND PUBLIC HEARING, AS REQUIRED UNDER THE FLORIDA LOCAL DEVELOPMENT ACT, TO AMEND THE DEVELOPMENT AGREEMENT FOR EAST BONITA ACTIVE ADULT COMMUNITY. (GREENSHEET NO. 15-05-0160)

10:53:14 am City Attorney Audrey Vance addressed this Item, stating that she has reviewed the Affidavit of Publication which she found to be legally sufficient. The request is for a minor amendment to allow a conversion from multi-family to single-family.

PUBLIC COMMENTS:

10:54:28 AM Martha Simons asked if the conditions for open space would change.

10:55:48 AM Rick Steinmeyer stated that he feels that the zoning for the property should go before City Council.

10:56:08 AM Attorney Russell Schropp addressed the request, which he explained is to amend the 2005 Development Order to allow the conversion of 299 multi-family units to 235 single-family units instead. Density will remain the same. It will also increase property values.

Council Member Lonkart motioned to approve the amendment; Council Member McIntosh seconded; and the motion carried unanimously.

IX. PUBLIC COMMENT:

10:58:29 AM Charlie Strader referred to the property at the end of Kent Road (Agenda Item X. B.), on the Imperial River that is being used for open storage. The property looks a lot better than it did five years earlier. He feels its property the City may want to look at to purchase.

11:02:03 AM Greg Dewitt referred to the Imperial Pines subdivision and Bonita Aggregate was supposed to use Bonita Grande, and he's now seeing trucks driving through is neighborhood. He has a petition with 14 out of 21 signatures. They would like a buffer wall erected, which can be addressed during the budget. Any type of wall would help.

11:04:35 AM Martha Simons thanked Council Member Lonkart for asking Council to help the Lion's Club. She also invited the Mayor and City Council Members to their spaghetti dinner stag show scheduled for February 2016. She also feels the property on Kent Road has been a nightmare. It has been used as open storage.

X. CITY ATTORNEY'S REPORT.

- A. APPROVE THE RESEARCH SERVICE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES TO ADDRESS THE CITY'S RESPONSIBILITY REGARDING THE UPCOMING COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT (EAR). (GREENSHEET NO. 15-05-0161)

11:08:06 AM Jackie Genson, Community Development, furnished a brief overview of this item, which involves a State required mandate to update the Comprehensive Plan every 7 years, which was changed in 2007. It is scheduled to be updated in 2016. The proposal is for approval of the agreement to embark on the process.

11:09:10 AM Mayor Nelson questioned the selection process of consultants. Arleen Hunter, Director of Development Services, explained that the next phase is the two year phase which entails the amendments to the Comprehensive Plan. This entails the first phase of the process.

Council Member Slachta motioned approval of the Agreement; Council Member Simmons seconded.

11:11:31 AM Council Member Gibson questioned they didn't go through the RFP process, to which Ms. Hunter responded, and explained that it also entailed a cost savings. City Attorney Vance added that Staff was also following comments made previously by Council.

The motion carried unanimously.

- B. REVIEW A DEMAND LETTER DATED MAY 12, 2015 FROM ROBERT C. HILL, JR., REPRESENTING THE PROPERTY OWNERS, DALE PETERSON AND JOHN COSTELLO, REGARDING 27660 KENT ROAD. (GREENSHEET NO. 15-05-0168)

11:15:31 AM City Attorney Vance addressed this item, by furnishing the history to date, involving property on Kent Road. The City has always followed the Judge's order regarding this, which is to allow open storage. She further explained, noting the property has not been rezoned. Her recommendation is to see if anything materializes, but take no action.

11:22:23 AM Council consensus to follow the City Attorney's advice – take no action.

ADDITIONAL ITEMS:

11:22:56 AM City Attorney Vance informed Council that for their next meeting, she will be bring forth two Ordinances for Permission to Advertise – one to address Fracking and the other addressing Road Impact Fees.

XI. CITY MANAGER'S REPORT:

- A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 15-05-0159)

11:23:41 am City Manager Carl Schwing explained that this item entails the monthly review of the financial report, which Anne Wright, the City's Finance Director, will address.

11:24:04 am Ms. Wright explained that she has added to the Greensheet a financial highlight section that focuses on the General Fund, which is the major operating fund for the City. It puts into perspective where the City is today compared to a year ago. It depicts a very positive outlook through March 31, 2015 which is the date that is 50% through the fiscal year. Mayor Nelson informed Council of a discussion he had with Ms. Wright regarding tangible personal property taxes, and explained that in the State of Florida requires manufacturers to pay taxes on their equipment every year. There are things that municipalities can do to help incentive companies. It's something he plans to look further into, as it's something he doesn't see if fair.

ADDITIONAL ITEMS:

11:26:48 am City Manager Schwing next informed Council that the previous evening he attended the Distinguished Entrepreneur of Southwest Florida event that was held by the SBDC and sponsored majorly by FGCU. Mr. Gary Mart, with Global Tech of the City of Bonita Springs, won the Distinguished Entrepreneur award. There was also one finalist from Fort Myers and two from Cape Coral. Mayor Nelson requested Staff prepare a Resolution to present to Mr. Mart.

Next, City Manager Schwing informed Council that the interview of firms for the Bonita Beach Road Visioning project has been scheduled for July 14, 2015. The interviews will be closed to the public, and placed on BTV98 afterwards. Council will then ratify their decision at their next scheduled meeting.

XII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

- A. AUTHORIZE MAYOR NELSON TO SIGN A LETTER OF SUPPORT TO THE LEE COUNTY TOURIST DEVELOPMENT COUNCIL IN REGARDS TO THE BONITA WONDER GARDENS. (MARTIN; GREENSHEET 15-05-0167)

11:30:11 am Council Member Martin motioned to approve; Council Member Slachta seconded; and the motion carried unanimously.

B. AUTHORIZE CITY STAFF TO PURCHASE FROM ARTIST DALE ROGERS ANOTHER “BIG DOG,” ACCOMPANIED WITH A 16’ FLIGHT BIRD. (MARTIN; GREENSHEET NO. 15-05-0164)

11:30:41 am Council Member Martin addressed this item, explaining that the Art in Public Places Board has contacted Dale Rogers and worked out a great deal to get another big dog at the dog park. Approval would also include a piece of the “Flight” exhibition. 0

11:31:42 am Council Member Martin motioned approval; Council Member McIntosh seconded; and the motion carried unanimously.

11:32:39 am Council Member Martin next reminded everyone of the “Donate-a-Bench” and “Adopt-a-Tree” programs. She further explained that the Tree Committee has donated funds for a large shade tree for the dog park to provide shade. Donated benches could be placed around the park in the shady areas – thus, utilizing both programs. Also, plantings on East Terry look great. Also, as the City’s liaison to Bonita Wonder Gardens, she informed everyone that they are in need of volunteers to help with the gardens. They are also in need of wild bird seed, parakeet seed, hoses, sprayers, garden carts and wheelbarrows.

11:35:02 am Council Member Slachta informed everyone that this Saturday the veteran bricks will be put in place. He also reminded everyone of the City’s Memorial Day event scheduled for Monday at 9:00 A.M. at Riverside Park.

11:35:43 am Council Member Simmons began by congratulating Councilwoman elect Watson on her Ward 3 seat for Fort Myers City Council. He also congratulated Bishop Verot High School’s baseball team for playing in the State Finals. He further addressed the historical district lines/boundaries, and questioned whether he should make a motion to address them. Assistant City Manager John Gucciardo explained that it entailed a document that was filed with the State that had no real regulatory weight to it. The Historic Preservation Board is not, at this point, recommending establishing a formal historic district under the Ordinance. The Assistant City Manager suggested Staff put together a summary to lay out the issues, to which Council Member Simmons stated that would be great.

11:37:20 am Council Member Gibson referred to a project that Council Member McIntosh addressed at the last meeting or meeting before, and stated that he found it interesting that they were pushing for angled street parking, and converting excess travel lanes or existing parallel, to angled parking because it’s safer than parallel parking for cars, bicycles and pedestrians. He is bringing this up because they are looking to do parallel parking on Old 41. It’s something he would like to look into.

11:37:52 am Council Member Lonkart reported that he attended the American House ribbon cutting. The event was packed and well received. It was a great time and another positive for the City of Bonita Springs.

11:38:17 am Council Member McIntosh thanked everyone who attended the School District meeting on the high school. He also referred to the Historic Society’s brochure, which is very informative and includes a map of the urban core historic district. It’s very nicely done and shows all the historic places in the City. He also addressed a newspaper article regarding a young man who lost both legs in an earthquake. Mr. Don Manley met this young boy and brought him back to the United States and adopted him. Mr. Manley is a wonderful asset to this community. He also created the foundation that brings third world children who have heart problems to America. Hector is one of four finalists in what’s known as “Royal Crown Heros Award.” Anyone who would like to vote for Hector (Manley), should go to [Royalcrownheros.com](http://Royalcrownheros.com) and vote for Hector Manley.

11:41:24 am Mayor Nelson next reported on progress by the Six Mayors of Lee County. He addressed an article that Mayor Marni Sawicki gave him that addresses the taxable values of the various municipalities. It lists the City of Bonita Springs at \$7.6 billion, Sanibel is \$4.3, Fort Myers Beach \$2.6, Fort Myers \$4.5, and Cape Coral at 10. When Lee County is making decisions on how that money is used, the City should be in attendance.

XIII. APPROVAL OF MINUTES: 05/06/15

Council Member McIntosh motioned approval of the Minutes; Council Member Simmons seconded; and the motion carried unanimously.

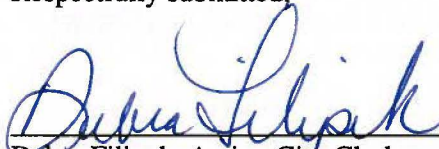
XIV. PUBLIC COMMENT:

11:43:24 AM Kathy McGrath further expanded on the article Council Member McIntosh addressed.

XV. ADJOURNMENT.

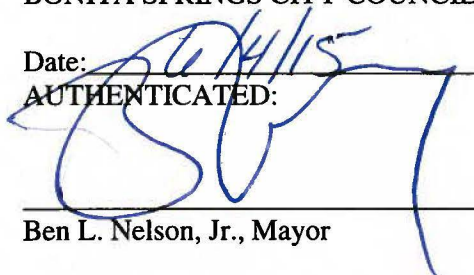
There being no further items to discuss the meeting adjourned at 11:45 A.M.

Respectfully submitted,

  
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Debra Filipek, Acting City Clerk

APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 05/06/15  
AUTHENTICATED:

  
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Ben L. Nelson, Jr., Mayor