

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, SEPTEMBER 17, 2014
9:00 A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. I. CALL TO ORDER:

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

II. INVOCATION:

Council Member Steve McIntosh 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

9:04:10 AM Al Greenwood, a member of the Bonita Springs Lion's Club, asked that Council support their request for a Farmer's Market at the Naples/Fort Myers Greyhound Track. He also asked for Council's help with replacing the hedge that's located on Old 41 that runs from Rosemary to Nelson's plaza.

9:05:49 AM Fred Forbes stated he was here to support anything that can be done to ban medical marijuana in the City.

9:06:43 AM Daniel Williams, a resident of the City of Bonita Springs since 1993, was in attendance to address the need for Council be furnished with more information on medical marijuana, which he feels is needed and will benefit the community. He feels it will greatly help veterans suffering from post-traumatic stress syndrome.

9:10:13 AM Jeff Chitwood feels that the issue of medical marijuana should be allowed to go through the process. There are a lot of things that need to be considered.

9:12:09 AM Bob Hilliard, also a member of the Bonita Springs Lion's Club, thanked Council and the community for their support of their farmer's market. He was present to ask that Council support their request to have a farmer's market at the Naples/Fort Myers Greyhound Track. He also commented on the use of medical marijuana, and asked Council look at all avenues so they can make the right decision.

9:14:09 AM Kevin Barry asked that Council support their requested Special Event Permit to hold the Bonita Blues Festival.

VI. PROCLAMATIONS AND PRESENTATIONS:

- A. PRESENTATION OF A CERTIFICATE OF CONGRATULATIONS TO CHRISTINE ROSS AND THE BONITA SPRINGS CHAMBER OF COMMERCE FOR BEING NAMED AS CHAMBER EXECUTIVE OF THE YEAR AND 2014 CHAMBER OF THE YEAR.

9:16:05 AM Mayor Nelson next presented Christine Ross, Executive Director of the Bonita Springs Chamber of Commerce, with a Certificate of Congratulations for being named as Chamber Executive of the Year and 2014 Chamber of the Year. Ms. Ross was in attendance to accept the Certificate and thank Mayor Nelson and City Council.

- B. PRESENTATION OF A PROCLAMATION TO THE BONITA SPRINGS CHAMBER OF COMMERCE PROCLAIMING SEPTEMBER 15 TO SEPTEMBER 19, 2014 AS INDUSTRY APPRECIATION WEEK.

9:19:05 AM Mayor Nelson next presented Ms. Ross with a Proclamation proclaiming September 15th through the 19th, 2014 as Industry Appreciation Week. Ms. Ross accepted the Proclamation and thanked Mayor Nelson and City Council.

- C. A PROCLAMATION DECLARING OCTOBER 3, 2014 AS MANUFACTURING DAY.

Mayor Nelson next read aloud a Proclamation declaring October 3, 2014 as Manufacturing Day.

- D. PRESENTATION OF A CERTIFICATE OF APPRECIATION TO KATHY MCGRATH FOR HER CONTRIBUTION TO THE CITY'S PLANT-A-TREE PROGRAM.

Continued to October 1, 2014.

- E. RECEIVE THE BONITA SPRINGS/ESTERO ECONOMIC DEVELOPMENT COUNCIL QUARTERLY REPORT. (GREENSHEET NO. 14-09-0269)

9:22:23 AM Richard Mancini, with the Bonita Springs/Estero Economic Development Council, was in attendance to furnish their quarterly report (attached to Greensheet 14-09-0269).

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.)

9:44:33 AM Council Member Mike Gibson requested item C. be pulled for discussion.

Council Member Bill Lonkart motioned approval of the remainder of the Consent Agenda (Items A., B., and D.); Council Member Gibson seconded; and the motion carried unanimously.

- A. APPROVAL FOR MAYOR TO SIGN AND SUBMIT CITY'S COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION. (GREENSHEET NO. 14-09-0267)

B. PERMIT BONITA SPRINGS LION'S CLUB TO OPERATE AN OUTDOOR FLEA MARKET AT THE NAPLES/FORT MYERS GREYHOUND TRACK LOCATED AT 10601 BONITA BEACH ROAD, S.E., BONITA SPRINGS. (GREENSHEET NO. 14-09-0273)

C. REQUEST FOR APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE TASTE OF BONITA TO BE HELD ON NOVEMBER 22, 2014 AND NOVEMBER 23, 2014 AT RIVERSIDE PARK. (GREENSHEET NO. 14-09-0272)

9:45:13 am Council Member Gibson explained that he requested that this item be pulled to address the road closure on Sunday, to see if it could be changed from Wilson to Reynolds Street. Reynolds is a wider Street and can handle larger vehicles that need a wider turning radius.

9:45:27 am Lora Taylor, Communications Manager, stated she would like to take this back to the event organizer to discuss and bring it back to Council at their next meeting. It regards the Taste of Bonita and on Sunday they close from Wilson to Pennsylvania. It's the same issue that they had with the Art Festival. They have moved the road closure back for some movies in the park, and so if it's doable for the organizer, she can talk to the Sheriff's Office. Council Member Gibson explained that his bait business is open on Sunday, and there are boats coming in, and would make it easier for them to pull into the parking lot and pull back out if the road closure was at Reynolds instead.

9:46:25 am Lori Nelson stated it's the Rotary Club of Bonita Springs Noon event. She feels that once they check with the Sheriff's Department that's it really their call on the road closure with respect to what would be safe. They wouldn't have a problem with it if the Sheriff's Department doesn't.

9:47:07 am Mayor Nelson asked if it was something they can approve now and work out in the meantime. Assistant City Manager John Gucciardo asked Ms. Taylor if this was something they could approve in general pending a resolution of the traffic flow problem, to which she responded yes. Mr. Gucciardo suggested approving the balance of the plan to allow people to start advertising, and bring back the issue of road closures.

Council Member Slachta motioned to approve, with Staff to work on the issue of the road closure and bring it back; Council Member Gibson seconded; and the motion carried unanimously.

D. REQUEST APPROVAL OF SPECIAL EVENT PERMIT AND CO-SPONSORSHIP FOR THE 8TH ANNUAL BONITA BLUES FESTIVAL AT RIVERSIDE PARK ON FRIDAY, MARCH 6, 2015 THROUGH SATURDAY, MARCH 7, 2015. (GREENSHEET NO. 14-09-0271)

VIII. PUBLIC COMMENT:

9:48:40 AM Fred Forbes stated he feels that Council should be looking at ways where they can, on key projects, be much more participatory in the selection process of consultants, i.e., land planning, traffic engineering, vision study, etc. There are companies that view looking at a traffic study of a road as not just a way of moving vehicles on a road quickly, but also creating a more positive impact on the surrounding businesses and residential areas. He also addressed a report that was furnished to Council that was done by a traffic engineering firm for Bonita Beach Road on which pages 4 and 8 states interchange for Bonita Beach Road, Route 41.

9:50:32 AM Al Greenwood addressed redevelopment on Old 41, and property that was taken from him for road widening in the area of his business. He asked that Council not place a roundabout at Rosemary and complete road improvements.

9:53:10 AM John Paeno was in attendance to address signage and the “A” frame signs he uses for his business. He also uses his signage to advertise City events. To eliminate those kinds of signs would be like cutting of your nose to spite your face. He also addressed the road issue, and stated he feels that they don’t utilize the park located behind the Liles Hotel, which he feels could be used to locate vendors which would prevent bottlenecks there.

9:54:46 AM David Karma a local CPA in the area was in attendance to invite Council and the community to several events occurring in Southwest Florida, including “The Invested Americas Veterans Foundation” event scheduled for September 27th and 28th at Jet Blue Park. He also invited everyone to the Florida Southwestern College to a View Pack Meeting, of which he addressed scheduled events.

IX. CITY ATTORNEY’S REPORT.

A. CONSIDER PROVIDING ANY DIRECTION ON MEDICAL MARIJUANA AS IT RELATES TO LOCAL GOVERNMENT FUNCTIONS. (GREENSHEET NO. 14-09-0268)

9:57:51 AM City Attorney Audrey Vance referred to the Greensheet and to her memorandum to address the issue of medical marijuana, which also included the ballot going before the voters in November. The objective regards how it will affect the City of Bonita Springs.

10:04:19 AM Council Member Martin supports banning medical marijuana in public places. She also supports the City having their own regulations. She also feels there needs to be regulations to address distance from schools and parks. She also supports strongly the need for security for farms and dispensaries. She suggested that more research be done with respect to what other States have done, including California, Oakland, San Francisco, and Berkley.

John Dulmer, Community Development, addressed zoning issues. They will use other States as a starting point.

10:08:04 AM Mayor Nelson feels they should allow Staff to be very restrictive, and that there should be a limit on the number of dispensaries. Places that have been successful and that haven’t had reoccurring problems included restrictions on distance, their location, how many, and how close. He also feels it needs to be made where you can’t smoke in public.

10:10:04 AM Council Member Slachta reported his district was split down the middle. There is also a retired law enforcement agent who is against another drug.

10:12:48 AM City Attorney Vance explained that the local government concerns she has regards public places and zoning. There are other issues including money, agriculture and the right to farm act. Overall, there are some issues that until she see how the State rights it as a regulatory scheme she would be leery. She suggests addressing zoning and the issue of public places.

Mayor Nelson reiterated the need to ban smoking in public places. He also feels that dispensary needs to be defined further and that regulations need to be included to limit the number and location of dispensaries.

10:16:55 AM City Attorney Vance stated has the smoking in public places Ordinance and would like to schedule it so that it would be adopted on November 5, 2014. Secondly, because people may seek zoning verifications, she would suggest clear direction to Staff as to a Zoning in Progress.

10:18:12 AM Council Member Lonkart requested that information be obtained from both the Fire Department and the Sheriff's Department as to what their responsibilities will be.

10:19:05 AM Council Member Gibson feels the need to be as restrictive as possible. He also doesn't want to see facilities close to schools or parks. He also stated that the amendment doesn't say what it should be prescribed or recommended for.

10:19:57 AM Council Member Simmons feels City should look at banning the use of it all together. He's for an outright ban within the City limits.

10:20:53 AM Mayor Nelson entered a motion for the City Attorney to draft an Ordinance to prohibit smoking marijuana in public places; Council Member Gibson seconded; and the motion carried unanimously.

10:23:45 AM Council Member McIntosh next entered a motion to Staff on a Zoning in Progress; Council Member Martin seconded; and the motion carried unanimously.

10:24:50 AM Council Member McIntosh also motioned direction to define dispensary and come up with a set of regulations that are sufficiently restrictive that limit the number, amount, distances, etc. Also, define medical treatment center and adopt a wait and see policy on the remainder of the issues; Council Member Martin seconded; and the motion carried unanimously.

X. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORTS. (GREENSHEET NO. 14-09-0270)

Informational.

10:27:31 AM In response to a concern of Council Member Lonkart regarding the trash can situation in East Bonita Springs, Assistant City Manager John Gucciardo explained that Lee County Solid Waste have regulations regarding the size and types of containers that are to be used, which have not always been enforced, etc. They are working with customers to get people more in line with the current regulations. They have also done a mailing.

XI. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

10:28:49 am Council Member Lonkart informed Council of a call he received from a resident of Villagewalk regarding trash pickup.

10:29:23 am Council Member Simmons reported that they received the first map of the DRGR. Assistant City Manager Gucciardo reminded everyone that the September 29, 2014 Citizens Water Strategy Task Force meeting is scheduled to be held at the Fire Station on Bonita Grande Drive. The public is invited. He will make the full packet for that meeting available to City Council.

10:31:20 am Council Member Slachta thanked Staff for the wonderful job they did with the Patriot Ceremony.

10:32:05 am Council Member Martin reminded everyone that Riverfest has been scheduled for October 25, 2014, and Coastal Cleanup scheduled for this Saturday. She also reported that October is "Adopt a Shelter Dog" month. Lastly she addressed a very good book she read titled "Street Design," and concluded by informing every one of the "Pink Event."

10:34:01 am Council Member McIntosh reported that Shangri-La Road is scheduled for completion on October 15, 2014. He suggested the Citizens Water Strategy Task Force make a presentation to City Council to update them on what they are doing, and for Kevin Erwin make a presentation to Council as well. Assistant City Manager Gucciardo stated he will arrange for the Chairman to come and update Council. Mayor Nelson agreed it would be a good idea to schedule Scott Duval to come and provide and update to Council. Lastly, Council Member McIntosh informed Council that they are also anticipating a local public high school in the City in the near future, and showed Council a map of potential locations.

10:38:51 AM Mayor Nelson reminded everyone that the Coastal Cleanup event is this weekend. He also commended Lora Taylor and Bobby Hunter on the great job they did with the 9-11 Ceremony. He concluded by referred to the original Park Master Plan book, to which he will have copies made for Council.

XII. APPROVAL OF MINUTES: 8/12/14, 8/18/14, 9/3/14 AND 9/4/14

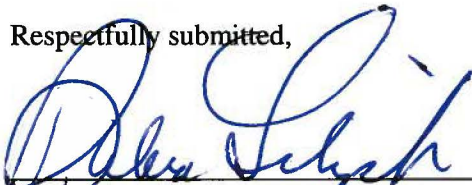
Council Member Martin motioned approval of all four sets of minutes; Council Member Simmons seconded; and the motion carried unanimously.

XIII. PUBLIC COMMENT:

10:42:03 am Michael Pace addressed the issue of medical marijuana and asked why if it was deemed as medicinal, why it was distributed and handled at pharmacies like all other medications.


XIV. ADJOURNMENT.

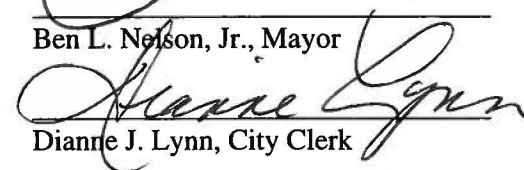
There being no further items to discuss the meeting adjourned at 10:43 A.M.

Respectfully submitted,

Debra Filipek, Recording Secretary

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 10/15/14
AUTHENTICATED:


Ben L. Nelson, Jr., Mayor


Dianne J. Lynn, City Clerk