



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

MEETING OF THE CITY OF CAPE CORAL

BURNT STORE ROAD RIGHT-OF-WAY COMMITTEE

February 15, 2018	10:00 AM	Conference Room 220A
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1. Meeting called to order

A. Chair Williams

2. ROLL CALL

A. Bliss, O'Donnell, Read, Scariot, Szerlag, Williams, Marmo (P&Z alternate), and Zambrano (staff alternate)

3. BUSINESS

A. Public Input

B. Approval of Meeting Minutes - April 21, 2016 meeting

C. Update on Right-of-Way Acquisition and Construction Schedule - Vince Miller, Lee County Department of Transportation

4. Time and Place of Next Meeting

A. Thursday, April 26, 2018, 10:00 a.m. Conference Room 220A

5. Motion to Adjourn

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Item Number:	3.B.
Meeting Date:	2/15/2018
Item Type:	BUSINESS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Approval of Meeting Minutes - April 21, 2016 meeting

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▣ April 21, 2016 meeting minutes	Backup Material

**MINUTES OF THE CITY OF CAPE CORAL
BURNT STORE ROAD RIGHT-OF-WAY COMMITTEE MEETING**

THURSDAY, APRIL 21, 2016

CONFERENCE ROOM 220A

10:00 A.M.

Committee Member Scariot moved, seconded by Committee Member Read, to have Nate Bliss act as Vice Chair. Voice poll: All "ayes." Motion carried.

Acting Vice Chair Bliss called the meeting to order at 10:04 a.m.

Roll Call: Bliss, O'Donnell, Read, Scariot, Morris (P&Z alternate), and Zambrano (staff alternate) were present. Szerlag and Williams were absent.

Also Present: Commissioner John Manning, District 1
Sarah Clarke, Project Manager, Lee County DOT
Steve Griffin, Assistant City Attorney

**BUSINESS
Approval of Minutes**

The minutes from the meeting on January 21, 2016 were presented for approval.

Committee Member Scariot moved, seconded by Committee Member Read, to approve the minutes as presented. All "ayes." Motion carried.

Public Input

Joseph Wysocki, 1812 NW 31st Place, expressed concerns with the grade of the road causing flooding. The grade of the road has been getting higher and higher. He will be looking at the undercarriage of vehicles if nothing is put up there. There should be something done for the residents in that area. The noise and traffic will impede his ability to enjoy his home and lanai.

Royleen Supanich 3115 NW 17th Ln, stated there has been a machine running unattended and unlit all weekend. They stated it was just a whole home generator. This has impeded her ability to enjoy her lanai. She contacted Tallahassee regarding her realtor not disclosing the project when she bought the project. Every man working on the road was pulled off by Immigration. The plans they are using are not the plans that were voted on 10 years ago.

Acting Vice Chair Bliss asked Manager Clarke about the hours of construction.

Manager Clarke stated they have been adhering to the city's noise ordinance with hours of 7:00 a.m. to 7:00 p.m.

Discussion held regarding realtor's responsibility to disclose to home buyers information regarding upcoming projects.

Kathy Bradley, 1132 NW 31st Place, stated the construction has started at 6:00 a.m. before. She would like a wall to be considered. She would like a variance to put up a 10 ft. fence to block the air and noise pollution. She would like the Committee's promise that she will be able to put up a 10 ft. fence.

Committee Member Scariot stated that Lee County put up a barrier on Veterans Parkway. There has to be a way to put up a privacy wall.

Ms. Bradley asked why do we have money enough for miles and miles of bike path, but why can't we have a few miles of wall.

Acting Vice Chair Bliss explained that it could be a completely different source of funds.

Ms. Bradley stated that Mr. Manning said no to any wall or barrier.

Committee Member O'Donnell stated the very first meeting in 2005 showed a berm.

Ms. Bradley stated there is no room for a berm and a wall would be cheaper. She would like some consideration for the homeowners.

Assistant City Attorney Griffin explained that they would have to get with the building department to find out what she would need for a 10 ft. fence. Someone would have to come look at the property.

Ms. Greene stated Veterans has a 7 mile berm and Burnt Store Road is an extension of Veterans. There are federal funds available. Put up a wall and protect the safety of this neighborhood.

Acting Vice Chair Bliss asked for the details of the federal funding.

Deb Green stated she sent the information to the County Commissioners in a letter.

Acting Vice Chair Bliss asked for a copy of that letter.

Ms. Green agreed to send the recording secretary a copy of the letter.

Mr. Wysocki explained that there is an easement along the back of the property. That would provide room for a barrier of some sort.

Tom Powell asked about the 350 ft. right of way. Why is the median so wide?

Manager Zambrano explained that this Committee just makes recommendations to Council.

Update on Right-of-Way Acquisition and Construction Schedule
Sarah Clarke, Project Manager, Lee County Department of Transportation

Project Manager Clarke reviewed the progress since the last meeting. They are about 30% complete on the existing project. The next phase of Tropicana to Diplomat the plans are almost complete. We are still trying to acquire 2 properties. It will be constructed in FY 2016-2017. The median is so wide because 4 more lanes will be put in the median. Ultimately there will be 8 lanes and a stormwater treatment area.

Discussion held regarding the history of the 355 ft. right-of-way and this committee.

Responses to Questions Raised at 1-21-2016 Burnt Store Road ROW Meeting

Manager Zambrano went over the Memorandum and addressed the answer to each question raised at the January 21, 2016 meeting.

Discussion held regarding the vacation of the alley to allow room for a wall.

Committee Member Scariot is in favor of a wall for these citizens to have some privacy.

Commissioner Manning stated it was not in his jurisdiction to build a wall, but each property owner can apply for a permit to construct a wall or fence.

Project Manager Clarke explained that this project does not meet the county's policy on walls.

Committee Member Read moved, seconded by Committee Member Scariot to recommend to Council that the city vacate the 20 ft. alley along the back of the property. The county can then deed their half of the alley to the property owner to do what they want with that land.

Committee polled as follows: Bliss, O'Donnell, Read, Scariot, and Zambrano voted "aye." Five "ayes." Motion carried.

Member Comments

Committee Member Read addressed the citizens in attendance. He apologized that a real estate professional took advantage of them by not disclosing the upcoming Burnt Store Road construction when they bought their houses.

Time and Place of Next Meeting

None.

Adjournment

There being no further business, the meeting was adjourned at 11:04 a.m.

Submitted by

A handwritten signature in black ink, appearing to read 'Alyssa Urban', written over the printed name.

Alyssa Urban

Senior Recording Secretary

Item Number:	4.A.
Meeting Date:	2/15/2018
Item Type:	Time and Place of Next Meeting

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Thursday, April 26, 2018, 10:00 a.m. Conference Room 220A

SUMMARY:

ADDITIONAL INFORMATION: