

VILLAGE COUNCIL REGULAR MEETING OF APRIL 6, 2015

The Village of Estero Council Regular Meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida, with the following Council members present:

- Nick Batos – Mayor, District 6
- Howard Levitan – Vice-Mayor, District 2
- Bill Ribble - District 1
- Donald Brown - District 3
- Katy Errington - District 4
- Jim Boesch - District 5
- Jim Wilson - District 7

The Mayor called the meeting to order at 10:00 am, followed by the Pledge of Allegiance to the flag.

ROLL CALL

Interim Village Manager Peter Lombardi called the roll; all members were present.

APPROVAL OF AGENDA

Mayor Batos proposed the addition of three items to the meeting agenda:

1. Approval of loan documents with SunTrust (as clarified by Interim Village Attorney Burt Saunders)
2. Review a list of clergy people for invocations prepared by Mr. Boesch.
3. Resolution on issue pertaining to water and land purchases in Florida

Mr. Ribble moved approval of the revised agenda, seconded by Ms. Errington, called and carried unanimously.

COUNCIL BUSINESS

1. Approval of loan documents with SunTrust

Interim Village Attorney Burt Saunders explained that SunTrust had accepted changes in the approved loan documents as requested by the GrayRobinson Law Firm. Mr. Boesch moved approval, seconded by Mr. Brown. The Mayor called for public input; however, no one came forward. The motion was called and carried unanimously.

RESOLUTION NO. 2015-17

2. Review of list of clergy people for invocations

Mr. Boesch presented a list of local clergy people who would be available to provide the invocations, and noted the diversity of backgrounds. It was agreed that suggestions for additional names should be sent to Interim Village Manager Peter Lombardi, who will check on availability and set up a rotation.

3. Resolution – Support of State Purchase of Sugar Land

After Ms. Errington presented information (copy on file) on the importance of the planned state purchase of sugar land, Mayor Batos noted that, due to time constraints, this item had been moved from tomorrow's agenda to be considered at this time. Interim Village Attorney Burt Saunders explained that he would prepare the resolution for signatures and hand-deliver it on Wednesday to the Senate President, Speaker of the House, and Governor's Office. The Mayor called for public input; however, no one came forward. Mr. Ribble moved approval, seconded by Ms. Errington. Following Council discussion, the motion was called and carried unanimously.

RESOLUTION NO. 2015-18

4(A) Approval of Regular Council Meeting and Workshop Minutes of March 27, 2015

Interim Village Manager Peter Lombardi requested that this item be deferred to the meeting of April 17, 2015. There were no objections from the Council members.

4(B) FIRST READING – ORDINANCE 2015-01

An Ordinance of the Village Council of the Village of Estero, Florida, establishing Land Use Advisory Boards to the Village Council to include the Planning and Zoning Board and the Design Review Board; providing a severability clause; repealing and rescinding all ordinances in conflict; and providing an effective date.

Interim Village Attorney Burt Saunders confirmed that proper notice had been provided for this hearing and the second hearing. Following brief discussion, members agreed to move to the next items while copies of the amended draft were made for members who had not received the most recent draft.

FOLLOWING CONSIDERATION OF ITEM 4(D):

Mr. Levitan reviewed and explained the revisions page by page. Extensive discussion ensued, during which Mr. Levitan, Attorney Saunders, Interim Village Manager Peter Lombardi, and Special Zoning Counsel Nancy Stroud answered questions from the Council. Mayor Batos called for public input; however no one came forward. Mr. Levitan moved approval, seconded by Mr. Ribble, called and carried unanimously via roll-call vote.

4(C) FIRST READING – ORDINANCE 2015-02

An Ordinance of the Village Council of the Village of Estero, Florida establishing procedures for ex parte communications related to quasi-judicial proceedings; providing a severability clause; repealing and rescinding all ordinances in conflict; and providing an effective date.

Interim Village Attorney Burt Saunders confirmed that proper notice had been provided for both this hearing and the second hearing. Following brief comments from Mr. Boesch, the Mayor called for public input; however no one came forward. Mr. Brown moved approval, seconded by Mr. Wilson, called and carried unanimously via roll-call vote.

4(D) FIRST READING – ORDINANCE 2015-03

An Ordinance of the Village Council of the Village of Estero, Florida, amending Chapter 22, Licenses and Business regulations, of the Code of Laws and Ordinances of the Village of Estero, Florida; removing certain record keeping requirements; providing for conflict with other ordinances; providing for severability; and providing for an effective date.

Mayor Batos explained the purpose of the ordinance, and Mr. Wilson offered additional clarification. The Mayor called for public input; and the following individuals came forward to comment:

Fountain Lake resident, Larry Newell

Old Estero resident, Patty Whitehead

After Mr. Levitan and Mayor Batos responded to Ms. Whitehead's concerns, Mr. Ribble moved approval, seconded by Mr. Brown. The motion was called and carried unanimously via roll-call vote.

AT THIS TIME, THE COUNCIL RESUMED CONSIDERATION OF ITEM 4(B).

PUBLIC INPUT ON NON-AGENDA ITEMS

Fountain Lake resident, Larry Newell – Hospital situation and the Agency for Health Care Administration

Marsh Landing resident, Beverly MacNellis – Hospital Planning Board as a resource

Villages at Country Creek resident, George Molnar – Village website; legal and financial information

Broadway Mobile Home Village resident, Pat Holcomb – Possible eminent domain actions on vacant land

COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:

Mr. Ribble commended Mr. Levitan for writing an article about transparency for Spotlight Magazine.

Mr. Levitan asked about the starting time for tomorrow's Workshop Meeting. After discussion, it was agreed that the meeting would begin at 10:00 am, and then be continued to 1:30 pm.

Mr. Boesch requested that Interim Village Manager Peter Lombardi provide Council members with copies of the Consultants Competitive Negotiations Act and the Public Business 287 Statute.

Mayor Batos:

Reported that he had requested an updated population count for Estero to be considered by the Metropolitan Planning Organization (MPO).

Noted that a proposed schedule of meetings and workshops from now through year-end would be brought up at the April 17, 2015 meeting

Requested approval of a proclamation acknowledging the Estero Council of Community Leaders (ECCL) for all their work done, including the work on incorporation; and wishing them success in their future operations. Mr. Wilson moved approval, seconded by Mr. Boesch. The Mayor called for public comment, but no one came forward. The motion was called and carried unanimously.

Interim Village Manager's Comments:

Interim Village Manager Peter Lombardi had no comments

Interim Village Attorney's Comments:

Interim Village Attorney Burt Saunders:

Noted that the Council had approved retaining the firm of Nabors, Giblin & Nickerson as Special Tax Counsel, and asked for Council consensus to authorize signature of an agreement with them.

Following discussion, there was consensus to approve the request.

Reported on pending legislation that would require cities to pay for re-location of utilities, if the city's project makes the re-location necessary, even if the utilities are located on the city right-of-way.

Commented that the "glitch" bill had been approved by 2 of 3 committees and should have no problem/

ADJOURN

The Mayor requested a motion to adjourn. Mr. Ribble so moved, seconded by Ms. Errington, called and carried unanimously. The meeting was adjourned at 11:55 am.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____

By: _____

Interim Village Clerk

Mayor

VILLAGE COUNCIL REGULAR MEETING OF MARCH 27, 2015

The Village of Estero Council Regular Meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida, with the following Council members present:

Nick Batos – Mayor, District 6
 Howard Levitan – Vice-Mayor, District 2
 Bill Ribble - District 1
 Donald Brown - District 3
 Katy Errington - District 4
 Jim Boesch - District 5
 Jim Wilson - District 7

The Mayor called the meeting to order at 10:00 am, followed by the Pledge of Allegiance to the flag.

ROLL CALL

Interim Village Manager Peter Lombardi called the roll; all members were present.

COUNCIL BUSINESS

4(A) Approval of Council Minutes of March 17, 2015

After Mr. Ribble noted a correction in Item (B) Selection of Vice-Mayor, Mr. Boesch moved to approve the minutes as corrected, seconded by Mr. Brown, called and carried unanimously.

4(B) DISCUSSION/RESOLUTION – A discussion and proposed resolution regarding the reimbursement of funds to the Estero Council of Community Leaders (ECCL) for funds expended for the Inaugural Village Council Meeting held on March 17, 2015.

Vice-Mayor Levitan requested that this item be deferred. There were no objections from the Council members.

4(C) DISCUSSION/RESOLUTION – A discussion and proposed resolution relating to County Services; requesting Lee County to continue to provide all county services to the incorporated Village of Estero for a period of 90 days; requesting that Lee County continue to process permit applications under the Lee County Land Development Code and Building Code; requesting that pending applications requiring hearings before the Lee County Hearing Examiner of the Lee County Board of County Commissioner be referred to the Village of Estero.

Interim Village Attorney Burt Saunders requested that no action be taken today; and asked the Council for direction to work with the Lee County Attorney on an Interlocal Agreement. Mr. Ribble moved approval, seconded by Mr. Wilson, called and carried unanimously.

RESOLUTION NO. 2015-14

4(D) DISCUSSION/RESOLUTION – A discussion and proposed Resolution approving the Fire Control and Prevention Interlocal Agreement between the Estero Fire Rescue District and Village of Estero.

Interim Village Attorney Burt Saunders conveyed a request from the Fire District to delay this item, and Fire Chief Scott Vanderbrook explained the reasons for the request. Mr. Ribble moved to defer the item, seconded by Mr. Levitan, called and carried unanimously.

4(E) RESOLUTION – Amending Resolution 2015-11 Establishing Temporary Meeting Dates, revising dates of Council Meetings and Workshops through May 8th, 2015.

Following extensive discussion regarding meeting dates for the week of April 6, Ms. Errington moved approval of the resolution as amended, seconded by Mr. Ribble, called and carried unanimously. The Mayor called for public comment; and Stoneybrook resident Mike St. John remarked on communication of important information. RESOLUTION NO. 2015-15

4(F) RESOLUTION – Amending Resolution 2015-08, Designating a Depository for Receipt of Funds and Payments of Debts to Include Vice-Mayor as Signatory on Village Accounts.

After Interim Village Manager Peter Lombardi and Interim Village Attorney Burt Saunders provided details about the request, Mr. Boesch moved approval, seconded by Mr. Brown, called and carried unanimously. RESOLUTION NO. 2015-16

PUBLIC INPUT ON NON-AGENDA ITEMS

Interim Village Manager Peter Lombardi noted that one request card had been received:
Stoneybrook resident Mike St. John – Regarding Council influence on area development

Mayor Batos called for any additional public comment:
ECCL Chairman Emeritus Don Eslick - Community boards should be aware of ECCL and Council roles.
Council members agreed to discuss the issue at a future Workshop Meeting.

COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:

Vice-Mayor Levitan announced an important item that was not on the original agenda, and was not advertised to the public, but that required immediate action due to state requirements on Council timelines for hearing Development Order amendment applications. Council members agreed to continue the Regular Meeting at 1:30 pm for consideration of a proposed agreement for Special Zoning Counsel with Ms. Nancy Stroud.

Mr. Boesch commented on discussions with the Bonita Springs City Council regarding shared services.

Mayor Batos mentioned Council members' attendance at a recent groundbreaking, and asked Interim Village Manager Peter Lombardi to send out email invitations to all members for similar events.

Mayor Batos requested a volunteer, and Mr. Boesch agreed, to compile a list of local clergymen who could provide the invocation at Council meetings.

Interim Village Manager's Comments:

Mr. Lombardi:
Provided information and responded to questions regarding members' business phones and email.
Noted that the Village Employer Identification Number and sales tax exemption certificate had been received

Interim Village Attorney's Comments:

Mr. Saunders:
Requested authorization for Ms. Sara Blakely of Nabors, Giblin & Nickerson to contact the Interim Village Manager to begin providing assistance as tax/revenue counsel. He added that Ms. Blakely has agreed to work under terms of his contract. Mr. Boesch so moved, seconded by Mr. Levitan, called and carried unanimously.

Noted that his associates would be representing a local Publix in its request for a zoning use addition and asked whether the Council would approve a conflict waiver. There was consensus that the waiver could be brought back to the Council for approval.

The Mayor recessed the meeting at 10:57 am, noting that it would be continued to 1:30 pm.

THE MAYOR RE-CONVENED THE MEETING AT 1:30 PM, WITH ALL MEMBERS PRESENT.

SPECIAL AGENDA ITEM

Vice-Mayor Levitan noted that information that was received prior to publishing the meeting agenda had been sent to Council members regarding the need to appoint a Special Zoning Counsel for the Village as soon as possible to deal with the North Point Development of Regional Impact (DRI). Mr. Levitan presented background information on Ms. Nancy Stroud, and moved that the Village engage Ms. Stroud as Special Zoning Counsel. Following discussion, the Mayor called for public input: and ECCL Chairman Emeritus Don Eslick endorsed Ms. Stroud for the position. The motion was seconded by Mr. Ribble, called and carried unanimously.

ADJOURN

The Mayor adjourned the meeting at 1:42 pm.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____

By: _____

Interim Village Clerk

Mayor

VILLAGE COUNCIL WORKSHOP MEETING OF MARCH 27, 2015

The Village of Estero Council Workshop meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida, with the following Council members present:

Nick Batos – Mayor, District 6
Howard Levitan – Vice-Mayor, District 2
Bill Ribble - District 1
Donald Brown - District 3
Katy Errington - District 4
Jim Boesch - District 5
Jim Wilson - District 7

1. CALL TO ORDER:

Mayor Batos called the meeting to order at 1:45 pm.

2. ROLL CALL:

All Council members were present.

3. APPROVAL OF AGENDA:

Mr. Ribble moved approval of the Agenda, seconded by Ms. Errington, called and carried.

Mayor Batos suggested that the Council may ask questions as needed, and the public should hold questions until conclusion of the presentation. There were no objections from Council members.

4. COUNCIL BUSINESS:

(A) DISCUSSION REGARDING LAND USE BOARDS ORDINANCES AND PROCESSES:

Mr. Levitan narrated a PowerPoint presentation entitled “Planning for Estero Land Use Transition” (copy to be provided on Village website), outlining the background for the proposed composition and the responsibilities of a Planning and Zoning Board and a Design Review Board. After noting that the next step would be to conduct hearings at the April 6, 2015 Regular Meeting, with adoption on April 17, 2015, he distributed and reviewed a proposed process to populate the two boards as soon as possible (copy on file). Following extensive Council discussion, the Mayor called for public input; and the following individuals came forward to speak:

Los Palms resident, Bob Niles
Estero Community Planning Panel (ECPP) member, Don Eslick
Breckenridge resident, Gary Green
Former Estero Design Review Committee (EDRC) Chair, Bill Prysi
Estero resident, Patty Whitehead
Estero resident, Jack Ottey

Additional Council discussion ensued regarding items such as time and required meeting dates to complete appointments to both of the boards, the applicant screening process, and board duties.

(B) DISCUSSION REGARDING EX PARTE ORDINANCE

Interim Village Attorney Burt Saunders explained the reasons for changing a portion of the Lee County ordinance that was adopted as part of the package developed with the Village Charter. Council discussion followed. After Mr. Saunders responded to questions from Council members, there was consensus to move forward to public hearings.

5. PUBLIC INPUT ON NON-AGENDA ITEM

Island Club resident, Donna Pogliano, inquired about an email she had sent.

6. COUNCIL COMMUNICATIONS

No items were presented by the individual Council members nor by Interim Village Attorney Burt Saunders or Interim Village Manager Peter Lombardi.

7. ADJOURN

The Mayor adjourned the meeting at 3:54 pm.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____

By: _____

Interim Village Clerk

Mayor

VILLAGE COUNCIL WORKSHOP MEETING OF APRIL 7, 2015

The Village of Estero Council Workshop meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida, with the following Council members present:

Nick Batos – Mayor, District 6
 Howard Levitan – Vice-Mayor, District 2
 Bill Ribble - District 1
 Donald Brown - District 3
 Katy Errington - District 4
 Jim Boesch - District 5
 Jim Wilson - District 7

CALL TO ORDER:

Mayor Batos called the meeting to order at 10:00 am, followed by the Pledge of Allegiance to the flag.

ROLL CALL:

Interim Village Manager Peter Lombardi called the roll. All Council members were present.

AGENDA CHANGES:

Mayor Batos announced that:

Item 4(D) will be removed from today's agenda because it was taken up on yesterday's agenda.

Two items will be added to the COUNCIL BUSINESS agenda:

1. Report on the Consultants Competitive Negotiations Act, which the Interim Village Attorney Burt Saunders was asked to provide today.
2. Discussion of process to be used for Friday's workshop to interview candidates for the two committees.

Items 4(A), 4(B), and 4(C) will be treated as one item; and public comment will be requested at the end of the presentations.

COUNCIL BUSINESS:

1. Report on the Consultants Competitive Negotiations Act (F.S. 287.055, copy on file)
 Interim Village Attorney Burt Saunders reported that he had reviewed the Act; looked at case law; and communicated with Bill Spikowski regarding the actual work to be done by the architect who would be working with Mr. Spikowski. He asserted that the Act does not apply because the individual will not be doing architectural work. In response to Mr. Boesch's questions, Attorney Saunders stated that the County policy for competitive negotiations for contracts over \$100,000.00 is not required by ordinance; and that there should be no potential lawsuit over awarding this contract. Brief discussion of the transition cash flow followed, and Attorney Saunders noted that a SunTrust representative would be available later to obtain signatures for the line-of-credit documents. The Mayor called for public input; however, no one came forward.

- 4(A) DISCUSSION – Nancy Stroud Proposal for the Village of Estero Planning Initiative**
4(B) DISCUSSION – Spikowski Planning Associates Proposal for Professional Planning Services
4(C) DISCUSSION – Community Planning Initiative Final Report
(Copies of these documents are available on the Village of Estero website: www.villageofesterofl.org)

Vice-Mayor Levitan briefly provided background on the previous planning contract, between the Estero Council of Community Leaders (ECCL) and Seth Harry and Associates, for revisions to the Estero Community Plan, a part of the Lee County Comprehensive Plan, which is now the Village's Transitional Comprehensive Plan. He noted that a plan was developed for approximately 1,000 acres of vacant land; and that the ultimate result is the "Community Planning Initiative Final Report", dated January 2015, to be considered today. Also to be considered are proposals from Bill Spikowski (Spikowski Planning Associates) for professional planning services, and from Special Zoning Counsel Nancy Stroud (Lewis Stroud & Deutsch P.L.) for legal support services.

ECCL Emeritus Chairman Don Eslick asserted that the key issue is whether the Council wishes to continue past planning efforts, with the same kind of competent advisors that the ECCL has been working with, to continue to plan for critical sites in the Village. He mentioned the support for the plan that had been shown by 300 persons who attended 3 community meetings last year.

Spikowski Planning Associates Principal, Bill Spikowski commented on the need to respond to renewed development activity with regulations that are in sync with Village policy direction. He stated that the final step of the Community Planning Initiative (CPI) was to suggest the best way to integrate the new ideas into the planning system in a timely manner. Referring to the last page of the "Community Planning Initiative Final Report" and to the Tasks defined in the planning services proposal, he briefly outlined the steps that would allow completion of the process within 12 months instead of the usual 2-3 years. He emphasized that adjoining parcels in the proposed mixed-use areas would be considered together as future interconnected neighborhoods; and that the changes would improve predictability for both the community and the developers. Mr. Spikowski responded to inquiries from Councilmembers Errington and Boesch by stating that the boundaries of the proposed area were limited by budget constraints, and that a series of open meetings would be held. At the Vice-Mayor's request, Mr. Spikowski described the supportive reactions of those who attended the three meetings mentioned by Mr. Eslick; then briefly reviewed his experience and qualifications. Council discussion ensued, during which Mr. Spikowski responded to questions regarding legal requirements for the Comprehensive Plan, planning for the needs of multiple generations, size limitations on the planning area, and exclusion of land outside Village boundaries.

Village Land Use Counsel Nancy Stroud stated that she had previously worked with Mr. Spikowski, and that her contribution to the planning efforts would be to ensure that the Council avoids legal pitfalls. Her proposal is for a fixed fee based on the work program described. In response to a question from Vice-Mayor Levitan, Ms. Stroud stated that either a Council resolution to adopt the CPI or signing a contract for the proposed work would serve to indicate to the public the direction that Council is taking. General discussion ensued regarding possible preparation of a resolution and contracts for approval at the April 17, 2013 Regular Meeting; legal limitations on the "zoning in progress" concept;

The Mayor called for public input, and the following individuals came forward:

- Rappalo resident and local contractor, Jim Wallace cautioned against hasty action (handout on file)
- Attorney Neale Montgomery expressed concerns about protection of private property rights.
- Pelican Sound resident, John Goodrich asked about the role of the Planning and Zoning Board.
- Old Estero resident, Patty Whitehead emphasized the importance of transportation/mobility.

ECCL Emeritus Chairman, Don Eslick noted that 3 other major areas should be considered. Island Club resident, Donna Pogliano stated that the CPI contained inaccurate information.

Additional Council discussion occurred regarding other sizable areas, including Old Estero, which might be included in the optional overlay map; and whether proposals or agreements should be presented for approval at the meeting on April 17. Mr. Boesch requested another look at contracts and limits on dollar amounts; and Interim Village Manager Peter Lombardi stated that, when he has staff on board, he would prepare a formal purchasing procedure for Council approval. There was consensus that approval of contracts for Mr. Spikowski and Ms. Stroud should be added to the agenda for the Regular Meeting of April 17, 2015.

4(D) — DISCUSSION — Support of State Purchase of Sugar Land

(Presented by Council Member Katy Errington)

AT THE BEGINNING OF THE MEETING, THE MAYOR ANNOUNCED THAT THIS ITEM WOULD BE REMOVED FROM THE AGENDA BECAUSE IT WAS CONSIDERED AT YESTERDAY'S MEETING.

2. DISCUSSION - Process for Friday's Workshop

Mayor Batos commented that 26 applications have been received, and suggested that the Council allow 10 minutes per person for the interviews at the Workshop on April 10 -- 5 minutes opening statement by applicant and 5 minutes questions to applicant from Council -- plus "one-on-one" time after the meeting if desired. Extensive discussion ensued regarding the possibility of appointing members to the boards as soon as April 17; whether alternate members should be considered; availability of candidates for interviews; and other details to be considered during the meeting. Interim Village Manager Peter Lombardi suggested that the applications/resumes be arranged in alphabetical order, with the first half to be scheduled for the morning and the second half for the afternoon. During additional discussion, Mr. Levitan pointed out that the Council would have authority to deal with the application backlog if necessary.

THE MAYOR RECESSED THE MEETING AT 11:33 AM AND RE-CONVENED AT 11:41 AM WITH ALL MEMBERS PRESENT.

Mayor Batos requested and received Council consensus to schedule half of the interviews for Friday morning and half for Friday afternoon. Mr. Lombardi stated that he would schedule the interviews and that the applications packet would be ready for Council members by 4:00 pm today.

PUBLIC INPUT ON NON-AGENDA ITEMS

The Mayor called for public input; however, no one came forward.

COUNCIL/VILLAGE ATTORNEY/VILLAGE MANAGER COMMUNICATIONS

Council Members' Comments

Additional discussion took place regarding the interview process for Friday's Workshop. Mr. Ribble stated that he would use his proposed summary sheet for his list of candidates and give it to the Interim Village Manager to share. Mr. Levitan commented that a candidate with excellent qualifications who lives part-time in Estero should be considered.

Interim Village Manager's Comments:

Mr. Lombardi mentioned that he had very important documents for the members to sign.

Interim Village Attorney's Comments:

Attorney Saunders announced that there should be \$150,000.00 in the Village bank account by tomorrow.

ADJOURN

The Mayor adjourned the meeting at 11:47 am.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____

By: _____

Interim Village Clerk

Mayor