

## **VILLAGE COUNCIL REGULAR MEETING OF OCTOBER 7, 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.

Present: Mayor Nick Batos - District 6, Vice-Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Donald Brown - District 3, Councilmember Katy Errington - District 4, and Councilmember Jim Wilson - District 7.  
Absent: Councilmember Jim Boesch - District 5 (excused absence).

Also present: Village Manager Peter Lombardi, Village Attorney Burt Saunders, Village Clerk Kathy Hall, Finance Director Lisa Pace, and Community Development Director Mary Gibbs.

### **1. CALL TO ORDER**

Mayor Batos called the meeting to order at 10:00 a.m.

### **2. PLEDGE OF ALLEGIANCE**

Mayor Batos led the Pledge of Allegiance.

### **3. INVOCATION**

The Invocation was offered by Pastor Mark Goodman of Christ Community Ministries.

### **4. ROLL CALL**

Village Clerk Kathy Hall called the roll; all members were present with the exception of Councilmember Boesch.

### **5. APPROVAL OF AGENDA**

Mayor Batos asked that two items be added to the agenda: 7 (K) Discussion on Workshop Procedures and 7 (L) CRS Floodplain Management Program; Councilmember Wilson asked that one item be added to the agenda: 7 (M) Official Approval of the Horizon Foundation Investor Invoice Dated July 27, 2015.

Councilmember Ribble moved approval of the agenda as amended, seconded by Councilmember Wilson, called and carried unanimously, with Councilmember Boesch absent.

### **6. CONSENT AGENDA**

- (A) Approval of September 16, 2015 Regular Meeting Minutes**
- (B) Approval of September 17, 2015 Workshop Minutes**
- (C) Approval of September 23, 2015 Special Meeting Minutes**
- (D) Approval of September 23, 2015 Workshop Minutes**

Councilmember Ribble moved approval of the Consent Agenda, seconded by Councilmember Brown, called and carried unanimously, with Councilmember Boesch absent.

## **7. COUNCIL BUSINESS**

- (A) **Second Reading and Public Hearing Ordinance No. 2015-12 An Ordinance of the Village of Estero, Florida, Establishing the Village of Estero Community Development Department; Providing a Severability Clause; Repealing and Rescinding all Ordinances in Conflict; and Providing an Effective Date (Vice Mayor Levitan)**

Village Clerk Hall read the title of Ordinance No. 2015-12. The public hearing was opened.

Vice Mayor Levitan noted that Section 5 of the ordinance was revised to read:

**Section 5. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading. On and after the Effective Date, any applications under the Land Development Code relating to services provided by the Community Development Department for Code Enforcement, Development Review, Environmental Review, Zoning, and Planning shall be filed with the Village of Estero. Any applications under the Land Development Code relating to services provided by the Community Development Department for Building Services which are filed after December 31, 2015 shall be filed with the Village of Estero.

Mayor Batos called for public comment and no one came forward. The public hearing was closed.

Councilmember Levitan moved to adopt Ordinance No. 2015-12 as amended, seconded by Councilmember Errington, called and carried unanimously through a roll call vote, with Councilmember Boesch absent.

- (B) **Second Reading and Public Hearing Ordinance No. 2015-13 An Ordinance of the Village of Estero, Florida, Providing for the Recovery of Professional Fees and Costs and Village Staff Costs for the Review of Certain Enumerated Development Applications and Procedures Therefore; Providing for Fixed Fees for the Village Review of Certain Enumerated Development Applications; Providing for Payment of Cost Recovery and Fixed Fees; Providing for Conflicts; Providing a Severability Clause; and Providing an Effective Date (Vice Mayor Levitan)**

Village Clerk Hall read the title of Ordinance No. 2015-13. The public hearing was opened.

Vice Mayor Levitan provided an explanation of the ordinance.

Mayor Batos called for public comment and no one came forward. The public hearing was closed.

Vice Mayor Levitan moved to adopt Ordinance No. 2015-13, seconded by Councilmember Brown, called and carried unanimously through a roll call vote, with Councilmember Boesch absent.

**(C) Second Reading and Public Hearing Ordinance No. 2015-14 An Ordinance of the Village of Estero, Florida, Adopting Chapter 162, Florida Statutes, Providing for Municipal Code Enforcement; Establishing Enforcement Procedures and Authorities; Amending Conflicting Provisions of Code; Providing for Codification; Providing for Conflict with other Ordinances; Providing for Severability; and Providing for an Effective Date (Vice Mayor Levitan)**

Village Clerk Hall read the title of Ordinance No. 2015-14. The public hearing was opened.

Vice Mayor Levitan provided an explanation of the ordinance.

Mayor Batos called for public comment and no one came forward. The public hearing was closed.

Village Attorney Saunders referred to page 3, Section 1-4, subsections 2 and 3, and noted typographical errors that were corrected: Subsection 2, first sentence: Except in civil actions to enforce Village codes and ordinances, or where a citation or notice to appear requires a violator's appearance in county court, violators shall appear before the Village's duly appointed code enforcement board or special magistrate. Subsection 3, second sentence: The Village Council may, however, establish by Resolution a standard fine schedule for the issuance of citations.

Councilmember Levitan moved to adopt Ordinance No. 2015-14 as amended, seconded by Councilmember Errington, called and carried unanimously through a roll call vote, with Councilmember Boesch absent.

**(D) First Reading Ordinance No. 2015-10 An Ordinance of the Village of Estero, Florida, Establishing the Village of Estero False Alarm Ordinance; Providing for Short Title, Purpose and Territorial Scope; Providing for Definitions; Providing for Alarm Permit and Fee; Providing for False Alarm Penalties; Providing for Revocation and Reinstatement of Alarm Permit; Providing for Appeals of Fines and Revocations; Providing for Response to Alarm; Providing for Deactivation of Audible Alarms; Providing for Alarm Monitoring Companies; Providing For Alarm Verification Calls Required; Providing for Alarm System Contractors; Providing for Automatic Dialing Devices Prohibited; Providing for Modification of Existing Alarm Systems; Providing for Auxiliary Power Supply; Providing for no Public Duty; Providing for Administration and Enforcement; Providing for Disposition of Fees and Fines; Providing for Reporting; Providing for Annual Audit; Conflicts of Law; Severability; and Providing an Effective Date (Village Manager)**

Village Clerk Hall read the title of Ordinance No. 2015-10.

Mayor Batos called for public comment and no one came forward.

Vice Mayor Levitan provided an explanation of the ordinance. Brief Council discussion followed.

Councilmember Brown moved to approve first reading of Ordinance No. 2015-10, seconded by Councilmember Ribble, called and carried unanimously through a roll call vote, with Councilmember Boesch absent.

**(E) First Reading Ordinance No. 2015-15 An Ordinance of the Village of Estero, Florida, Approving a Budget Amendment for Fiscal Year 2015-2016; and Providing an Effective Date (Village Manager)**

Village Clerk Hall read the title of Ordinance No. 2015-15.

Village Manager Lombardi and Finance Director Lisa Pace provided explanations of the ordinance, followed by Council discussion regarding the net change to the budget, planning and zoning fees, cost recovery, and the 60-day transition period with Lee County.

Mayor Batos called for public comment and no one came forward.

Councilmember Brown moved to approve first reading of Ordinance No. 2015-15, seconded by Councilmember Errington, called and carried unanimously through a roll call vote, with Councilmember Boesch absent.

**(F) Resolution No. 2015-68 A Resolution of the Village Council of the Village of Estero, Florida, Adopting Cost Recovery and Fixed Fees for Village Review of Certain Enumerated Development Applications; and Providing an Effective Date (Vice Mayor Levitan)**

Village Clerk Hall read the title of Resolution No. 2015-68.

Vice Mayor Levitan provided an explanation of the resolution.

Mayor Batos called for public comment and no one came forward.

Council discussion followed regarding blasting, billboards and non-conforming signs.

Councilmember Ribble moved to adopt Resolution No. 2015-68, seconded by Councilmember Errington, called and carried unanimously through a roll call vote, with Councilmember Boesch absent.

**(G) Resolution No. 2015-66 A Resolution of the Village Council of the Village of Estero, Florida Authorizing the Village Manager to Invest Surplus Funds of the Village in the Local Government Trust Fund Administered by the State Board of Administration; and Providing an Effective Date (Village Manager)**

Village Clerk Hall read the title of Resolution No. 2015-66.

Village Manager Lombardi provided an explanation of the resolution, stated that the resolution was recently discussed at a Council Workshop, and Council asked staff for further information on the current status of the Village bank account, investments, and type of coverage that was provided. Finance Director Pace stated the amount of interest that SunTrust would pay was significantly lower than the quotes received from the Local Government Trust Fund; discussion ensued.

Discussion followed regarding the wording in the first sentence of Section 1 of the resolution. Consensus was for the wording to be amended to read: "The Village Manager or Finance Director are hereby authorized to invest surplus funds..."

Vice Mayor Levitan inquired whether the Village was now in a position to repay the loan. Village Manager Lombardi responded that repayment would occur during the first check run for the month of October.

Council discussion followed regarding funds in the account to cover cash flow; availability of insurance on investment funds; laddering Certificates of Deposit; investment plan; liquidity and security of funds utilizing the Local Government Trust Fund, although not insured.

Mayor Batos called for public comment and no one came forward.

Further explanation of the Local Government Trust Fund was offered by Village Manager Lombardi. Discussion ensued and consensus was to continue Resolution No. 2015-66 until the October 21, 2015 Council meeting.

**(H) Resolution No. 2015-69 A Resolution of the Village Council of the Village of Estero, Florida, Approving an Employment Agreement between the Village of Estero and Steven R. Sarkozy; Appointing Steven R. Sarkozy as Village Manager; Authorizing the Village Mayor to Execute the Employment Agreement; and Providing an Effective Date**

Village Clerk Hall read the title of Resolution No. 2015-69.

Mayor Batos called for public comment and no one came forward.

Councilmember Ribble moved to adopt Resolution No. 2015-69, seconded by Councilmember Errington, called and carried unanimously through a roll call vote, with Councilmember Boesch absent.

**(I) Resolution No. 2015-70 A Resolution of the Village Council of the Village of Estero, Florida, Adopting a Capital Improvement Plan Procedure; and Providing an Effective Date (Mayor Batos)**

Village Clerk Hall read the title of Resolution No. 2015-70.

Mayor Batos called for public comment and no one came forward.

Councilmember Brown moved to adopt Resolution No. 2015-70, seconded by Vice Mayor Levitan, called and carried unanimously through a roll call vote, with Councilmember Boesch absent.

**(J) Resolution No. 2015-71 A Resolution of the Village Council of the Village of Estero, Florida, Approving a Research Service Agreement between the Village of Estero and Florida Gulf Coast University Board of Trustees; and Providing an Effective Date (Mayor Batos)**

Village Clerk Hall read the title of Resolution No. 2015-71.

Mayor Batos recognized Margaret Banyan from FGCU. Councilmember Wilson inquired whether Ms. Banyan was comfortable with the January 31, 2016 completion date; Ms. Banyan responded “yes.”

Mayor Batos called for public comment and no one came forward.

Councilmember Brown moved to adopt Resolution No. 2015-71, seconded by Councilmember Ribble, called and carried unanimously through a roll call vote, with Councilmember Boesch absent.

**(K) Discussion on Workshop Procedures**

Mayor Batos led discussion regarding modifying the practice that had been utilized up to this point on workshop agenda items. It was suggested that Councilmembers bring up items at a Council meeting, and the item would go on a workshop agenda by consensus of four or more Councilmembers. At the conclusion of discussion, consensus was to bring up their workshop agenda items in an open forum at Council meetings, without a vote or consensus required. Brief discussion ensued regarding the workshop priority list that was developed in April 2015. Mayor Batos asked that Councilmembers review the most recent workshop list, make comments regarding priorities, add any additional items they wish to include, and a master list would be developed and circulated for final prioritization.

**(L) CRS Floodplain Management Program**

Mayor Batos and Village Manager Lombardi provided an update regarding a meeting with the consultant assisting with the Community Rating System (CRS) application for the Village. The classification system was explained and it was noted that the Village was currently in classification 5, based on Lee County's classification. Further explanation followed relating to options to consider regarding proceeding with the application and go in as of May 2016 or to wait until October 2016, as well as the type of work that could be accomplished within the community to obtain a greater discount. It was noted that the consultant's recommendation was to get the Village in the program on May 1, 2016.

Mayor Batos called for public comment and no one came forward.

Councilmember Ribble moved to ask the consultant to move ahead with the necessary work to get the Village in the program on May 1, 2016, seconded by Councilmember Errington, called and carried unanimously through a roll call vote, with Councilmember Boesch absent. Village Attorney Saunders stated that if this action required a resolution, he would prepare one.

**(M) Official Approval of the Horizon Foundation Investor Invoice Dated July 27, 2015**

Councilmember Wilson led discussion regarding the Horizon Foundation Investor invoice, which was discussed at the July 22, 2015 Council workshop and was agreed to be placed as an expenditure in the budget; however, Council did not authorize payment. Vice Mayor Levitan stated that he was hoping to defer the investment until Horizon Foundation representatives made a presentation before Council, in order to obtain further information regarding the Foundation. Discussion ensued.

Councilmember Ribble moved to pay the invoice, seconded by Councilmember Errington.

Mayor Batos called for public comment.

Public Comment:

Patty Whitehead, Old Estero resident, stated she agreed with Vice Mayor Levitan and addressed concerns regarding the Horizon Foundation.

A roll call vote on the motion followed, resulting in Councilmembers Ribble, Errington, Wilson and Mayor Batos voting aye; Councilmember Brown and Vice Mayor Levitan voting nay. The motion carried.

**8. PUBLIC INPUT ON NON-AGENDA ITEMS**

Mayor Batos called for public input on any issue and no one came forward.

**9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS**

None.

**10. VILLAGE MANAGER’S COMMENTS**

None.

**11. VILLAGE ATTORNEY’S COMMENTS**

None.

**12. ADJOURN**

Mayor Batos adjourned the meeting at 11:59 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: \_\_\_\_\_

By: \_\_\_\_\_

Kathy Hall, MMC  
Village Clerk

Nicholas Batos  
Mayor