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**DRAFT**

## **FINAL ACTION AGENDA/MINUTES**

### **VILLAGE COUNCIL MEETING**

**Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
September 20, 2018 5:30 p.m.**

- 1. OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

**Call to Order:** 5:30 p.m.

**Pledge of Allegiance:** Led by Mayor Boesch.

**Invocation:** Pastor Mark Goodman from Christ Community Ministries.

**Roll Call:** Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble - District 1, Councilmember Howard Levitan - District 2, Councilmember Jon McLain - District 3, Councilmember Katy Errington - District 4, Councilmember Nick Batos - District 6, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Assistant Attorney Derek Rooney, Assistant to Village Manager Kyle Coleman, Public Works Director David Willems, Finance Director Lisa Roberson, and Village Clerk Kathy Hall.

(Note: The video stream was inoperable at the beginning of the meeting)

Lee County Commissioner Cecil Pendergrass expressed appreciation to the Village Council, referenced Agenda Item 6 (a), and addressed the importance of the Village acquiring 62 acres in a prime location of the Village of Estero.

- 2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:**

**Motion:** Move to approve the agenda.

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember McLain

**Action:** Approved the agenda.

**Vote:**

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

**3. PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Gary Israel, Publisher, *Estero Life Magazine*, spoke regarding the changeover from Germain Arena to Hertz Arena.

Peter Cangialosi, ECCL, encouraged Council to continue support for Estero Bay Agency on Bay Management.

Bill Carr, Riverwoods Plantation, expressed appreciation for the drainage repair near Poinciana Avenue; addressed concern regarding Broadway Avenue West and consideration of temporary roadway reflectors to assist with nighttime drivers.

**4. CONSENT AGENDA:**

(a) June 27, 2018 Council Meeting Minutes

**Motion:** Move to approve the Consent Agenda.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember McLain

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

**5. PUBLIC HEARINGS:**

(a) Resolution No. 2018-14 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Final Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2018-2019; and Providing an Effective Date

Mayor Boesch introduced the hearing. Resolution No. 2018-14 was read in its entirety by Village Clerk Hall.

Village Manager Sarkozy provided a brief explanation of the resolution, noting that this was the third year in a row that the Village had dropped the tax rate since incorporation and the Village had the lowest tax rate in Southwest Florida.

**Questions or Comments:** Councilmember Wilson briefly commented regarding the percentage of decrease from where the Village started at incorporation.

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2018-14.

**Motion by:** Vice Mayor Ribble  
**Seconded by:** Councilmember Batos

**Action:** Adopted Resolution No. 2018-14.

**Vote:**

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (b) Resolution No. 2018-15 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Final Budget for Fiscal Year 2018-2019; and Providing an Effective Date

Mayor Boesch introduced the hearing. Resolution No. 2018-15 was read in its entirety by Village Clerk Hall.

Village Manager Sarkozy spoke to the highlights of the Village Manager’s Budget Message and offered information regarding Government Lite, yearly focuses, studies, and enhancing the community, via a PowerPoint Presentation entitled “Government, The Estero Way.”

**Questions or Comments:** Councilmembers conveyed appreciation and congratulations to the Village Manager and staff.

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2018-15.

**Motion by:** Councilmember Levitan  
**Seconded by:** Councilmember McLain

**Action:** Adopted Resolution No. 2018-15.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

## 6. ACTION ITEMS:

- (a) Resolution No. 2018-16 A Resolution of the Village Council of the Village of Estero, Florida, Authorizing Staff to Proceed with the Purchase of 62.2± Acres Adjacent to the Estero River; Determining that it is in the Best Interest and Welfare of the Village and its Residents to Explore Funding Sources for the Purposes of Purchasing Lands from Willing Sellers; Proclaiming Support for the Purchase; and Providing an Effective Date

Resolution No. 2018-16 was read in its entirety by Village Clerk Hall.

Village Manager Sarkozy, via a PowerPoint Presentation entitled “Land Purchase Decision,” addressed potential Council action; community input; purchase description; affording the purchase; financing; transparency; and next steps. He explained that options would be brought back to Council at the October 17, 2018 meeting and that the final closing would be approximately during the first quarter of 2019.

**Questions or Comments:** Vice Mayor Ribble and Councilmembers Errington, Batos, Wilson, and Levitan. Discussion included whether the Village Manager had located a law firm to assist with the purchase; disclosure of all information; a significant and unique opportunity; tremendous public support; this opportunity would not have happened if the Village had not incorporated; the purchase would help with developing the Village center.

**Public Comment:**

Jim Tatooles, Rapallo, believed this was an outstanding opportunity; offered full support as a member of the community as well as a member of the Planning & Zoning Board; the purchase had full support of the ECCL; recommended that the Village perform a thorough examination of the use and obtain the best land use planner possible.

Joe Miceli, Rookery Pointe, was in favor of the purchase, but was not in favor of the Village selling any portion of the acreage; shared a proposal to plant marijuana and poppies; he also recommended that a Village Hall be built on part of the property.

Genelle Grant, Happehatchee Center, offered a brief PowerPoint Presentation entitled “*Estero River and Sacred Forest*” that included information relating to Ellen Peterson and advocating for the environment; The Happehatchee Center; Estero Historic Preservation Citizens’ Committee; The Happehatchee historic house; bamboo planted by the Koreshans; and the “Sacred Forest.”

Don Eslick, ECCL, conveyed appreciation to the Village Manager and the staff for proving that the purchase was feasible, and that it was the biggest decision since incorporation. He also spoke to the history of the property.

Irv Nathanson, Lighthouse Bay, expressed support in the purchase of the property.

Rob Moher, President/CEO, Conservancy of SW Florida, addressed the area south as the critical green space and noted that the Conservancy would be willing to work with the Village.

Bill Carr, Riverwoods Plantation, applauded interest in the purchase of the property; believed that the presentation was well written; and encouraged a number of ways for development.

Mayor Boesch asked audience members for a show of hands in favor of the property purchase.

**Motion:** Move to adopt Resolution No. 2018-16.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember McLain

**Action:** Adopted Resolution No. 2018-16.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(b) Lee County Interlocal Agreement for Subgrant Funding via the West Coast Inland Navigation District (WCIND)

Village Manager Sarkozy provided a brief explanation regarding the interlocal agreement providing a commitment from Lee County, and stipulation on Estero, for Estero to be reimbursed for sheriff patrol services provided by the Lee County Sheriff's Office on the Estero River.

**Questions or Comments:** Councilmembers Levitan, Errington, and McLain. Discussion included making certain that staff got the word out that the Sheriff was patrolling the river; admiration for Kyle Coleman's work on the Subgrant funding; and paragraph 3.c. addressing equipment purchases.

**Public Comment:** None.

**Motion:** Move to approve the Interlocal Agreement with Lee County for Subgrant Funding via the West Coast Inland Navigation District (WCIND).

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Batos

**Action:** Approved the Interlocal Agreement with Lee County for Subgrant Funding via the West Coast Inland Navigation District (WCIND).

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(c) 2018-2019 Interlocal Agreement between Village of Estero and Lee County for Stray Animal Control Services

Village Manager Sarkozy explained the agreement with Lee County for stray animal control services with an annual cost of \$33,879. He noted that the cost and effort to replicate this service was not thought to be appropriate given the limited savings.

**Public Comment:** None.

**Motion:** Move to approve the 2018-2019 Interlocal Agreement between Village of Estero and Lee County for Stray Animal Control Services.

**Motion by:** Vice Mayor Ribble  
**Seconded by:** Councilmember Errington

**Questions or Comments:** Mayor Boesch, Vice Mayor Ribble, and Councilmember Errington. Discussion included an inquiry whether alligators were included; use of Village personnel and equipment would be cost prohibitive; and the process for dog tags.

**Action:** Approved the 2018-2019 Interlocal Agreement between Village of Estero and Lee County for Stray Animal Control Services.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS:** None.

8. **COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:**

Councilmember Levitan: (1) Reminded Council that if the decision regarding the paint color for Hertz Arena came before the Village Council it would be a quasi-judicial hearing process; Council should not make comments at this time.

Councilmember Errington: (1) Spoke regarding a Red Roof Inn in a suburb of Cincinnati that was not permitted to have the roof painted red until approximately 15 years after approval of the building.

Councilmember Wilson: (1) Conveyed appreciation to the Lee County Board of Commissioners regarding the inclusion of \$4.9M for the design phase of the widening of Corkscrew Road from Ben Hill Griffin Parkway east to Bella Terra.

Mayor Boesch: (1) Announced there would be a ribbon cutting at Germain Arena next Monday commemorating a new arena football league. (2) Reported that the six Lee County cities were getting together regarding the algae problem. He reported that Joe Miceli, a chemist, offered to follow the algae problem as an advisor for the Village. Vice Mayor Ribble noted that he reminded Mayor Ruane to contact oceanography people at FGCU to be involved. Councilmember Levitan suggested that Mr. Miceli be an advisor to the Mayor in his capacity of liaison and not get into an advisory type of situation. Councilmember Errington inquired regarding the placement of sludge and addressed concern regarding deep well injection.

Joe Miceli responded regarding deep well injection, noting it was not a viable solution. Mayor Boesch suggested that if any of the Councilmembers were going to a meeting concerning algae, they could contact Joe Miceli to go with them.

**9. VILLAGE ATTORNEY’S REPORT:**

Village Assistant Attorney Rooney noted that Code enforcement was going well, addressed the requests to the Magistrate related to lien mitigation, and inquired how the Council would like to enter the lien reduction requests on the agenda. It was suggested that the requests be placed on the Consent Agenda; if a Councilmember wished to pull it off the Consent Agenda, it could be pulled off for discussion. He also addressed a challenge being filed on the South Florida Water Management District by the City of Sanibel regarding the rulemaking process. Due to the short turn-around time, he inquired whether the Council had interest in joining the lawsuit and spoke to the options available to the Council. Discussion followed. Councilmember Levitan suggested that the Sanibel Mayor present the data at an upcoming Village Council meeting.

**10. VILLAGE MANAGER’S REPORT:**

Village Manager Sarkozy reiterated that there should be no public comments made by the Council regarding the Hertz Arena color change; there was the possibility that the Council may participate in deliberations on this issue.

**Adjourn Regular Session and Convene Workshop**

**11. WORKSHOP ITEMS:**

- (a) 2019 Village of Estero Legislative Priorities

Village Manager Sarkozy introduced the workshop, noting that he was looking for ideas from the Council.

Mayor Boesch spoke to Senator Passidomo becoming the Senate President.

Councilmember Batos inquired whether it was possible to for the Village to obtain funding for part of the land purchase. Brief discussion followed. Mayor Boesch spoke briefly about the proposal process. Village Manager Sarkozy addressed the technical data that the state would ask for, including technical data regarding the silt removal from the river.

**Public Comment:** None.

A motion to adjourn was made and duly passed.

**11. ADJOURNMENT: 7:30 p.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: \_\_\_\_\_  
Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
James R. Boesch, Mayor