

VILLAGE COUNCIL REGULAR MEETING OF MAY 8, 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.

INVOCATION

The Invocation was offered by Father Hans Jacobse, St. Peter Orthodox Church

ROLL CALL

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

APPROVAL OF AGENDA

Mr. Ribble moved approval, seconded by Mr. Brown, called and carried unanimously.

COUNCIL BUSINESS

6(A) Approval of April 10, 2015 Workshop Minutes; April 17, 2015 Regular Meeting Minutes; April 17, 2015 Workshop Minutes

Mr. Ribble moved approval, seconded by Ms. Errington, called and carried unanimously.

Mayor Batos commented that the agendas for today's Meeting and Workshop include items that were reviewed during the last workshop; noted that other items would be added to upcoming agendas; and requested that members provide any additional items to Mr. Lombardi for inclusion in future agendas.

6(B) DISCUSSION – Council Liaison Assignments

Interim Village Manager Peter Lombardi remarked that he had worked with Mayor Batos to create a list of organizations for liaison assignments; and asked members to recommend other organizations for future agendas. Mayor Batos explained his reasons for liaison assignments as shown below:

1. Metropolitan Planning Organization (MPO) – Mayor Batos, Mr. Boesch as alternate
2. Lee Memorial Health System (LMHS) – Mr. Brown
3. South Florida Water Management District (SFWMD) – Mr. Ribble
4. Florida Department of Transportation (FDOT) – Mr. Boesch
5. Lee County Department of Transportation (LDOT) – Mr. Boesch
6. Florida Gulf Coast University (FGCU) – Mayor Batos
7. Horizon Council – Mr. Wilson
8. Lee County Department of Community Development (LDCD) – Vice-Mayor Levitan
9. Conservancy of Southwest Florida – Ms. Errington

Following brief discussion, Mayor Batos mentioned that a list of Advisory Committee liaison appointments would probably be discussed at next week's meeting. The Mayor called for public comment, and the following individual came forward:

Conservancy of Southwest Florida representative, April Olson welcomed Ms. Errington. Mayor Batos mentioned that he could make introductions for members who are not familiar with the group to which they were assigned.

Mr. Boesch moved approval of the assignments as presented, seconded by Mr. Brown, called and carried unanimously.

6(C) DISCUSSION – Selection Process for Permanent Village Manager

Mayor Batos stated that a determination should be made to either initiate a search or make the change from interim to permanent position. Mr. Levitan opined that it would be appropriate to start now with the search for a permanent Village Manager. Following general discussion, there was consensus that a document from the Florida City and County Managers Association, dealing with the selection process, would be provided to Council members for review prior to next week's Workshop.

6(D) DISCUSSION – Selection Process for Permanent Village Attorney

Interim Village Attorney Burt Saunders briefly described the usual selection process. After brief discussion, Mr. Ribble moved to designate Attorney Saunders and Gray Robinson as permanent Village Attorney, seconded by Mr. Brown. Attorney Saunders reviewed the fee schedule for normal and additional activities, followed by discussion of the need for lobbyists. The Mayor called for public comment, and the following individual came forward:

Old Estero resident, Patti Whitehead - potential conflict of interest

After Attorney Saunders responded that the services provided to Lee County were entirely different from those provided to the Village, the motion was called and carried unanimously.

6(E) DISCUSSION – Village Municipal Center

Mayor Batos clarified that this item involved discussion of a process to determine specific needs for a future facility with more office and parking space for the Council. Discussion ensued regarding financial resources, time required for acquisition and preparation, assignment of a Council member to research the issue, experiences of other municipalities, and the scope of an inter-local agreement with Lee County. Interim Village Manager Peter Lombardi described limitations of the current facility, noted that the acquisition and design process would take at least six months, stated that personnel requirements would depend on services provided, and estimated a space requirement between 7,500 and 10,000 square feet. Mr. Levitan moved to direct Mr. Lombardi to work with a Council liaison to develop recommendations for a process, with input from other Council members, seconded by Mr. Brown. The Mayor called for public input, and the following individual came forward:

Bella Terra resident, Mark Novitski - suggestions about furniture and design

The motion was called and carried unanimously. Mr. Ribble volunteered to serve as Council liaison.

6(F) DISCUSSION – Sign Code Violations

Mayor Batos mentioned past problems with violations of Estero-specific Sign Codes; and asked that any member of the public who notices a possible violation report it to Interim Village Manager Peter Lombardi. Discussion followed regarding the County's responsibility to remove illegal signs, the fact that most such signs are put up on weekends, the possible need for a Village process to adjudicate violations, and the limitations in dealing with inappropriate sign content. Following comments from Attorney Saunders about available alternatives, Mr. Levitan moved to direct the Village Attorney to develop a Special Magistrate Ordinance; seconded by Mr. Boesch. The Mayor called for public input, and the following individuals came forward:

Old Estero resident, Patty Whitehead - billboards

Stoneybrook resident, Gary Israel – communication with business owners

After Council members and Attorney Saunders addressed the speakers' concerns, the motion was called and carried unanimously.

PUBLIC INPUT ON NON-AGENDA ITEMS

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

Estero Council of Community Leaders (ECCL) Interim Chair, Don Eslick – Cooperation between the Village and ECCL, committee dealing with Density Reduction/Groundwater Resource (DR/GR), summary of community concerns from recent ECCL meeting

Villages at Country Creek resident, George Molnar – printing both sides of pages, parliamentary procedures

Bella Terra resident, Mark Novitski – Village representation on Metropolitan Planning Organization (MPO), Village Transportation Committee, and future municipal facility

Attorney Saunders responded to questions from Council members regarding attendance at the DR/GR Committee meetings; and Council members responded to Mr. Molnar and Mr. Novitski.

COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:

Vice-Mayor Levitan mentioned a letter to Council members soliciting donations to the Estero Historic Society. He suggested, and Council members concurred, that a policy and a budget for charitable contributions from the Village should be future workshop topics.

Mr. Brown mentioned that the Project Director for the proposed Estero facility would be on the agenda for next Thursday's Lee Memorial Health System (LMHS) Board of Directors meeting.

Ms. Errington suggested a Memorial Day proclamation for next week's meeting for veterans from the community. There was consensus that the proclamation would be put on the website after the May 20 Council meeting.

Mr. Wilson reported on the ECCL meeting that he attended, and noted that Corkscrew Farms would have a major impact in the DR/GR. Discussion ensued regarding a cumulative impact traffic study for future developments on Corkscrew Road. The Mayor called on ECCL Interim Chair Don Eslick, who reported that ECCL is contemplating such a study and would share the findings with the Council. Bella Terra resident, Mark Novitski commented on the shortcomings of current study methods. Conservancy of Southwest Florida representative, April Olson reported that the Local Planning Agency (LPA) hearings on Corkscrew Farms would be on Monday.

Village Attorney's Comments:

Village Attorney Burt Saunders had no comments.

Interim Village Manager's Comments:

Interim Village Manager Peter Lombardi had no comments.

ADJOURN

The Mayor adjourned the meeting at 11:44 am.

ATTEST:

By: 

Interim Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: 

Mayor

VILLAGE COUNCIL WORKSHOP MEETING OF MAY 8, 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

The Mayor called the meeting to order at 1:30 pm, 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

Mr. Ribble moved approval, seconded by Ms. Errington, called and carried unanimously.

COUNCIL BUSINESS

5(A) DISCUSSION – 2015 Village Budget

Interim Village Manager Peter Lombardi explained that, although the Village was not required to have a budget for its first fiscal year, it was beneficial to have one as a spending guide; and stated that he and Interim Village Finance Director Lisa Pace had constructed the budget for the remainder of the 2014-15 Fiscal Year. Ms. Pace utilized a PowerPoint presentation (copy included in agenda backup) to present details of the proposed budget. She pointed out that the report represents a compilation of all financial data for the Village to-date; explained the calculations involved in each column under "Revenues"; and responded to questions from Council. During the "Revenues" portion of the presentation, Attorney Saunders agreed to provide a legal opinion regarding the effective date of the Village's entitlement to utility franchise fees; Ms. Pace confirmed that the budget had been created without some of the unknown values to provide an idea of the minimum revenue that could be expected; and general discussion occurred regarding the uncertain effects of the pending inter-local agreement with Lee County. Mr. Lombardi clarified that the 2015-16 budget would include line items that are not in the 2014-15 budget because revenue for those items would not be received until after October 1, 2015. Ms. Pace provided detailed information about amounts shown for Ad Valorem Revenue and the State revenue sharing process. She then described the rationale for the values shown under "Expenditures", noting that some positions listed under "Personnel" had not yet been filled; and that "Contract Services" were based on proposals actually received. Discussion ensued regarding the effect on expenses of negotiations with the County, possible duplication of costs for services such as Animal Control, the need for additional information to be considered at the next Workshop, County transportation services, the probability that actual expenses will differ from the budget, numbers that have been received so far from the County, and the formula used to calculate gas tax revenue. Discussion continued regarding the projected surplus shown on the "Budget Summary" page of a 3-page handout entitled "Village of Estero – Budget Fiscal Year 2014-2015" (copy on file); expenses resulting from summer storms; and the timetable for the 2015-16 budget and establishment of a millage rate. The Mayor called for public input; however no one came forward to speak. After Ms. Pace stated that additional information would be provided as soon as possible, the Council discussed future audit requirements.

5(B) DISCUSSION – All Hazards Tax

Interim Village Manager Peter Lombardi stated that, except for the City of Cape Coral, none of the municipalities within the County assesses the All Hazards Tax, because the County provides all emergency preparedness and disaster recovery services as part of the County operation. After explaining how Cape Coral uses the assessment revenue to provide services over and above what the County provides, he recommended that the Village not adopt the tax. Extensive Council discussion followed regarding the three-mill equivalency requirement for revenue sharing. Village Attorney Saunders reported that he had been notified by Assistant County Manager Pete Winton that no resolution would be needed for the Village to opt out of the tax. There was Council consensus to eliminate the All Hazards Tax for Village residents.

5(C) DISCUSSION – Development Services Director

Vice-Mayor Levitan commented that he had contacted Council members regarding the idea of contracting with a planning professional to serve as Development Services Director, and that the anticipated need for this position was included in the Land Development Ordinance. He pointed out the volume and significance of pending cases, reviewed the details of a draft job description, and emphasized the need for a balanced presentation of the facts. Referring to a sample job ad (copy on file), he requested Council feedback on whether this would be the right direction to take. Discussion followed regarding the need for a Director to work with the Planning and Zoning Board (PZB) and Design Review Board (DRB), whether zoning/planning fees would cover the contract expense, the potential benefit for developers and the public, the impact of development outside the Village limits, methods for fee collection/payments, and a requirement that the contractor maintain an office at Village Hall. There was Council consensus that Mr. Levitan and Interim Village Manager Peter Lombardi should initiate the process to advertise the position. The Mayor called for public input; however no one came forward to speak.

5(D) DISCUSSION – Planning and Zoning Board (PZB) Meeting Schedule

ITEMS 5(D) AND 5(E) WERE DISCUSSED SIMULTANEOUSLY.

Interim Village Manager Peter Lombardi confirmed that the meeting schedule had been posted on the website. Discussion followed regarding a meeting scheduled for August, and for dates just before Thanksgiving and Christmas; and the duty of Board members to arrive at the meetings on time. There was consensus that these concerns would be conveyed to the Boards. Attorney Saunders stated that a note would be added to PZB and DRB meeting notices, disclosing that two or more Council members may attend; and reminded Council members that they were permitted to ask questions but not to interact with each other at these meetings. The Mayor called for public input; however no one came forward to speak.

5(E) DISCUSSION – Design Review Board Meeting Schedule

ITEMS 5(D) AND 5(E) WERE DISCUSSED SIMULTANEOUSLY.
SEE DISCUSSION ABOVE.

5(F) DISCUSSION – Welcome to Estero Signs

Mayor Batos mentioned past discussions about placing “gateway” signs at the northern and southern sections of US 41, on Three Oaks and Corkscrew, and in a few other areas; and asked whether a committee should be formed to pursue the project. Discussion followed regarding the availability of grant funds, jurisdiction over median locations, the need for a Village logo, the concept of a logo design contest, and locations of existing signs. There was consensus to postpone consideration of new signs. The Mayor called for public input; and the following individual came forward:

Old Estero resident, Patty Whitehead – Logo design contest and other possible design sources

5(G) DISCUSSION – Ordinance 15-04 Amending Ordinance 15-01 Regarding the State Registered Architect Requirement for the Design Review Board (DRB)

Vice-Mayor Levitan mentioned that two slots on the DRB had been left open due to the inability to locate even one person who met the current Ordinance requirement that two members be state-licensed architects. He stated that the proposed amendment would reduce that requirement to one state licensed architect and

allow the appointment of one more member. He also mentioned that language included in the Planning and Zoning Board (PZB) Ordinance, which allowed Council to fill vacancies and remove members, had been omitted from the DRB Ordinance; and suggested that the proposed Amendment should be revised before first reading to include that language. After other Council members indicated agreement with the proposed addition, Attorney Saunders confirmed that the validity of the DRB would not be affected by the vacancy. Discussion followed regarding the possibility of deleting the requirement completely so the ordinance would not need to be revised again; the need to determine the reason for inclusion of the requirement in the Boca Raton model; the tentative schedule for the first reading on May 15, with a review by the Local Planning Agency (LPA) before the second reading; and the fact that additional members could be non-residents because the required four residents are already on the DRB. The Mayor called for public input; however no one came forward to speak.

PUBLIC INPUT ON NON-AGENDA ITEMS

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

COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:

Mr. Ribble mentioned the fund solicitation letter received by Council members from the Historical Society, and described his efforts to locate an experienced carpenter to work pro-bono.

Mayor Batos requested and received Council authorization to respond to the Historical Society letter with a statement that the Village would not be making commitments to not-for-profits at this time.

In response to a question from Ms. Errington, Attorney Saunders confirmed that the Council would be allowed to meet in an emergency session without the usual notice requirement.

Interim Village Manager's Comments:

Interim Village Manager Peter Lombardi had no items for discussion.

Village Attorney's Comments:

Village Attorney Burt Saunders had no items for discussion.

ADJOURN

The Mayor adjourned the meeting at 3:34 pm.

ATTEST:

By: 

Interim Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: 

Mayor