

VILLAGE COUNCIL REGULAR MEETING OF MAY 15, 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 Rabbi Greenberg, Chabad of Bonita Springs and Estero.

ROLL CALL

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

APPROVAL OF AGENDA

Mayor Batos requested the addition of three items to the agenda:

- 6(E) – Resolution on the Gas Tax Issue
- 6(F) – Discuss a resolution to appoint a liaison for the SW Chapter, Florida League of Cities
- 6(G) – Resolution regarding Village Clerk

Vice-Mayor Levitan requested the addition of one item to the agenda:

- 6(H) – Update on discussions with the County Department of Community Development

Mr. Ribble moved approval as amended, seconded by Mr. Wilson, called and carried unanimously.

COUNCIL BUSINESS

6(A) Approval of April 24, 2015 Regular Meeting Minutes; April 24, 2015 Workshop Minutes and March 20, 2015 Workshop Minutes

Vice-Mayor Levitan noted an error in the roll-call vote on Item 5(D) of the April 24 Regular Meeting. Mr. Ribble moved approval as amended, seconded by Mr. Boesch, called and carried unanimously.

6(B) FIRST READING AND PUBLIC HEARING – ORDINANCE 15-04

An Ordinance of the Village Council of the Village of Estero, Florida Amending Section 3-2(2)(B) of Ordinance 15-01 to Change Qualifications for Membership of the Design Review Board; Providing a Severability Clause; and Providing an Effective Date

Vice-Mayor Levitan moved the amendment to a second reading on May 20, 2015, seconded by Mr. Ribble. The Vice-Mayor explained the purpose of the amendment; reported that a Fort Myers architect might be able to fill one vacancy; and stated that the Planning and Zoning Board would review the amendment before the second reading. The Mayor called for public comment, and no one came forward to speak. The motion was called and carried unanimously via roll-call vote.

6(C) RESOLUTION – A Resolution Adopting the 2014-15 Village of Estero Budget
Mayor Batos noted a possible misunderstanding about numbers presented at the last meeting as they related to projections made during the incorporation process. Interim Village Manager Peter Lombardi explained the rationale for adopting a 2014-15 budget; reviewed the numbers for estimated revenues, expenses, and surplus; and pointed out that the budget was based on feasibility studies and cash flow projections done by Mr. Lienesch for the Estero Council of Community Leaders (ECCL). Referring to a copy of the “Cash Flow Projections” (copy on file), he clarified that the total of the revenue and expenditure estimates for the months of April through September equal the budget amounts of \$1,002,320 and \$944,030, respectively. Council discussion followed regarding shortcomings of the feasibility studies and unknown costs for several expense categories. Mr. Lombardi reviewed the figures from the “Budget Report as of April 30, 2015” (copy on file) and emphasized that the monthly report would reflect actual revenues and expenses for the period. Responding to questions from Vice-Mayor Levitan, Village Attorney Burt Saunders clarified that Section 12(4) of the Village Charter did not preclude the Council from borrowing money if a budget was adopted. The Vice-Mayor requested an addition to the Resolution of a document (Attachment “A”) showing the monthly figures that correspond to the gross totals. Interim Finance Director Lisa Pace responded to questions from Council regarding projections for the various Revenue categories, especially Franchise Fees. Additional Council discussion followed regarding communication service taxes, franchise fees, and the tourist “bed tax”. The Mayor called for public comment, and the following individual came forward:

Stoneybrook resident, Chris Patricca – possible State cuts in communication taxes

Ms. Errington moved approval of the Resolution with the addition of Attachment “A”, seconded by Mr. Ribble, called and carried unanimously.

RESOLUTION NO. 2015-27

6(D) DISCUSSION – County Interlocal Agreement for Municipal Services
Interim Village Manager Peter Lombardi presented a document entitled “Lee County Proposal to Provide Services to Village of Estero FY15-16” (copy on file); and noted that Estero allocations were based on a population of 8.2% of the Municipal Services Taxing Unit (MSTU), with total charges of \$3,730,136. Council discussion followed regarding actual costs and revenues for FY2014-15, charges for services not requested or provided, and excessive charges for specific services. The Mayor called for public comment, and no one came forward. He then asked whether a liaison from the Council and/or Village Attorney Saunders should join in negotiations which currently involve only Mr. Lombardi and a County Finance person. Additional discussion ensued regarding services that the Village might take over, the split between General Fund and MSTU costs, and possible participation by the County Attorney. Vice-Mayor Levitan moved that Mayor Batos and Attorney Saunders be delegated to be part of negotiations, and report back to the Council at a Workshop, seconded by Mr. Brown. After Mayor Batos suggested, and Council agreed, that the term “negotiations” be amended to “fact-finding”, the motion was called and carried unanimously.

6(E) DISCUSSION – Proposed County Interlocal Agreement for Gas Tax Sharing
Interim Village Manager Peter Lombardi presented a draft Interlocal Agreement from Lee County (copy on file). After Village Attorney Burt Saunders confirmed that he had found no issues with the document, Mr. Lombardi noted that the latest estimate received from the County was \$400,000 per 12-month year. Discussion followed regarding potential responsibilities of the Village, differences between local and through roads, calculation of centerline miles, available options if the agreement is not signed by June 1, and whether the agreement should be only for one year. There was consensus that Mayor Batos, Attorney Saunders and Mr. Lombardi will meet with County staff to obtain additional information in time for additional action at the meeting on May 20.

6(F) DISCUSSION – Appointment of Liaison for Florida League of Cities, (FLC) SW Chapter

Mayor Batos reported receipt of an invitation for a Council liaison to attend a meeting of the FLC on May 21, and nominated Mr. Ribble as the liaison. There were no objections to the appointment.

6(G) RESOLUTION – Village Clerk

Interim Village Manager Peter Lombardi requested approval of a resolution consenting to the appointment of Kathy M. Hall MMC as Village Clerk; and noted that Ms. Hall would begin employment on June 1. Mr. Wilson moved approval, seconded by Ms. Errington. Mr. Lombardi briefly reviewed Ms. Hall's qualifications and experience; responded to Council members' questions; and noted that the salary would be \$80,000 annually. Council discussion ensued regarding benefits and office space. The Mayor called for public comment, and no one came forward to speak. The motion was called and carried unanimously

RESOLUTION NO. 2015-28

6(H) DISCUSSION - Update on discussions with the County Department of Community Development

Mayor Batos noted that Vice-Mayor Levitan was Council Liaison to Lee County on Community Development/Land Use Issues, and that the County has requested something in writing as to what the Council wants them to do about Administrative items on which there is a difference of opinion. He requested authorization to notify the County of Mr. Levitan's status as liaison, and there were no objections. Vice-Mayor Levitan commented that the first full meeting of the Planning and Zoning Board (PZB) was scheduled for next week; and noted that the PZB is waiting for the County staff report on one agenda item. He added that he was meeting with PZB Chair Roger Strelow and Interim Village Manager Peter Lombardi to develop a plan to deal with requests received for public information meetings. After pointing out that the Village is paying for County staff to provide the necessary reports, he requested authorization to explore costs and services available from third party contractors. Following brief discussion of reasons for delays in County response, there was consensus to authorize the fact-finding.

PUBLIC INPUT ON NON-AGENDA ITEMS

The Mayor called for public input; and no one came forward:

**COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE
AGENDA ITEMS**

Council Members' Comments:

Ms. Errington expressed concern about a lack of information regarding Healthcare Village. Mr. Brown, Council liaison for Lee Memorial Health System (LMHS), responded that he planned to report at the Workshop meeting; and that LMHS is committed to come to the area and grateful for the community support.

Vice-Mayor Levitan asked to reserve time during the Workshop meeting to discuss two important land use issues outside of Estero.

Mr. Boesch noted an upcoming issue with the opening of a new Wal-Mart and sidewalks, which should be addressed once a decision is reached concerning responsibility for Estero Parkway.

Mr. Wilson reported that Estero residents had actually been given a tax reduction because the Council had elected not to collect the All Hazards Tax.

Mayor Batos asked whether Interim Village Manager Peter Lombardi had information to provide regarding the mechanics for the search for the permanent Manager, and Mr. Lombardi responded that it would be available for next week's agenda. The item dealing with a process for acquiring future facilities will also be moved to next week.

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 12:09 pm.

ATTEST:

By: Kathy Hall

Kathy Hall, MMC
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos

Nicholas Batos
Mayor

VILLAGE COUNCIL WORKSHOP MEETING OF MAY 15, 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 1:33 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

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

COUNCIL BUSINESS

MAYOR BATOS ANNOUNCED THAT ITEMS 5(E) AND 5(F) WOULD BE DISCUSSED SIMULTANEOUSLY BEFORE THE OTHER ITEMS ON THE AGENDA.

5(A) DISCUSSION – Ordinance Establishing Purchasing Procedures

Interim Village Manager Peter Lombardi noted that the draft ordinance was similar to that used in Pinecrest. Village Attorney Burt Saunders mentioned that he would be working with Mr. Lombardi on some changes; and Mayor Batos suggested some general benchmarks for activating portions of the procedures. Council discussion followed regarding non-applicability of the Consultants Competitive Negotiation Guide, purchase amount limits, and the requirement for competitive bids. The Mayor called for public comment, and no one came forward. There was consensus that the draft ordinance would be presented for first public hearing at the May 20 Council Meeting.

5(B) DISCUSSION – Ordinance Regarding Local Communications Services Tax

Interim Village Manager Peter Lombardi explained that the ordinance must be adopted and rates set before the revenue could be received from the state, and suggested that the rate be set at the current County rate of 3.61%, less than the allowable maximum of 5.22%. Discussion followed regarding the effective date of January 1, 2016; the receipt of some funds retroactive to incorporation; the estimated annual amount of \$518,000; and methods for dealing with possible state tax reductions. The Mayor called for public comment, and no one came forward. There was consensus that the draft ordinance would be presented for first public hearing at the May 20 Council Meeting.

5(C) DISCUSSION – Ordinance Regarding Non-Exclusive Franchise to Florida Power & Light (FPL)

Interim Village Manager Peter Lombardi explained that the rate in the current Lee County franchise agreement with FPL is 4.5%, recommended that the Village negotiate an agreement with the same rate, and stated that no revenue estimate was available at this time. Discussion followed regarding the effective date and duration of the agreement, clarification of the need for control of the roads, and neighborhood concerns

about trees near the FPL easements. There was consensus that Village Attorney Burt Saunders would provide answers to some of the questions at the May 20 Council Meeting. The Mayor called for public comment, and no one came forward.

5(D) DISCUSSION – Ordinance Regarding Non-Exclusive Franchise to People’s Gas System (PGS), a Division of Tampa Electric

Interim Village Manager Peter Lombardi stated that this item was similar to the previously discussed agreement with FPL, and clarified that cable and telephone franchises were included in the communications tax. He stated that Lee County has no gas franchise agreement, and that the Bonita Springs rate is 5%. Discussion took place regarding the potential increased costs to Estero residents, the reasons that Lee County has no agreement, and rates in other local communities. Mayor Batos suggested that he could bring this up at a meeting next week with other mayors. There was consensus that more information would be provided at next week’s meeting regarding the number of residents involved, potential costs to them, and potential revenue for the Village. Village Finance Director Lisa Pace explained that it would be difficult to get records from PGS as they do not have to disclose records, and suggested “borrowing” invoices from gas customers for use in calculating costs. Additional discussion ensued about alternate methods for estimating costs, the Bonita Springs agreement, the differences between a public services tax and a franchise tax, and whether the revenue was needed. The Mayor called for public comment, and no one came forward.

5(E) DISCUSSION – Resolution of Intent for Village of Estero’s Participation in the National Flood Insurance Program

ITEMS 5(E) AND 5(F) WERE DISCUSSED SIMULTANEOUSLY

Interim Village Manager Peter Lombardi introduced Josh Overmyer, area representative of the Florida Division of Emergency Management. Mr. Overmyer described the purpose of the Division’s Community Rating System Initiative (CRSI), explained the “point” system that determines premium reductions for a given area, and noted that the two requirements for enrollment in the National Flood Insurance Program (NFIP) were adoption of a local flood damage prevention ordinance and submittal of a copy of the community boundaries. In response to questions from the Council, he explained that the Village’s initial scoring would include credit for County activities; and described factors that could improve the rating. Mr. Lombardi clarified that the required ordinance was in place because the Village had adopted Lee County Ordinances at incorporation; and that the cost of updated flood maps was included in the proposed interlocal agreement. Discussion followed regarding possible Bert Harris lawsuits, pending legislation that precludes such lawsuits, time required to review the application, rate policies of insurance companies, and unrelated insurance surcharges. After Mr. Overmyer reviewed specific activities that could help achieve a higher rating, further discussion occurred regarding the role of a “coordinator” and the ordinance requirement. The Mayor called for public comment, and no one came forward: Mr. Lombardi confirmed that a resolution would be presented at the May 20 Council Meeting.

5(F) DISCUSSION – Interlocal Agreement with Lee County Regarding Enforcement of Floodplain Management Regulations

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

5(G) DISCUSSION – Ordinance Establishing Uniform Travel and Expense Reimbursement Procedures

Interim Village Manager Peter Lombardi noted that the draft was a copy of the Marco Island ordinance. Discussion followed regarding reimbursement for non-mandatory conferences, the rationale for Village Manager approval, possible reimbursement for supplies, the importance of having a policy in place for Council members and staff, limits on number of attendees at a single conference, gratuity and meal allowances, the definition of “local travel”, reimbursement approval for the Village Manager, possible reimbursement for Planning and Zoning/Design Review Board members, and a budget line item in next year’s budget. The Mayor called for public comment, and no one came forward. There was consensus that a revised draft ordinance would be presented at the May 20 Council Meeting.

5(H) DISCUSSION – Resolution Establishing Public Records Fees

Interim Village Manager Peter Lombardi pointed out that the state public records laws allow for reasonable per copy and hourly charges to provide records requested. Discussion ensued regarding reasonable fees and record requests from Council members. The Mayor called for public comment, and the following individual came forward:

Maryann Batlle – Naples Daily News – Calculation of hourly rates

Following discussion, there was consensus to consider the resolution at the May 20 Council Meeting.

5(I) DISCUSSION – Discussion Regarding Citizen Advisory Committees

Mayor Batos commented that any committees should be self-sustaining and that the Council would appoint liaisons. Discussion topics included a Transportation committee, limitations in staff time and meeting facilities, the need for mission statements, possible duplication of efforts, the desire for citizen involvement, applicability of Sunshine Laws, a committee for Old Historic Estero, and possibilities for creating independent committees. Village Attorney Burt Saunders responded to questions and provided information throughout the discussion. Vice-Mayor Levitan stated that Council members who felt a formal advisory committee was needed should bring it back to the Council with a specific mission statement and proposal. The Mayor called for public comment, and the following individuals came forward:

Don Eslick Estero Council of Community Leaders (ECCL) – Opposed to creation of ad hoc committees on subjects of concern to ECCL membership

Old Estero resident, Patty Whitehead – Possibility that presence of appointed Board members at discussions of ad hoc committees might jeopardize official responsibilities

Vice-Mayor Levitan responded, and Attorney Saunders agreed, that Board members could listen and ask questions but could not take a position on issues that might come before a quasi-judicial board. There was consensus that Council members would submit committee requests as suggested, to be brought before Council as soon as possible

5(J) DISCUSSION – Village of Estero Employment Policy Manual

Interim Village Manager Peter Lombardi commented that a Manual was nearly complete, and that it would be reviewed by Village Attorney Saunders before being brought back to a Workshop Meeting. The Mayor called for public comment, and no one came forward:

PUBLIC INPUT ON NON-AGENDA ITEMS

The Mayor called for public input, and no one came forward:

COUNCIL/MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:

Mr. Ribble – Mentioned most Council members had attended the Economic Development Summit, expressed concern about employer statements regarding a shortfall of talent for hiring locally, and suggested a process of matching employer needs with student education. Mr. Boesch mentioned that local colleges already have that information.

Mr. Levitan – Reported on two local developments – Wild Blue and Corkscrew Farms

He explained his opinion that a new Land Use category created by Lee County poses a serious threat to the Density Reduction/Groundwater Resource (DR/GR), remarked that local environmental groups were not taking a stand, and urged Council members to learn about the issue and appear before the County Commissioners. Following discussion, Mr. Levitan pointed out that the developers were giving concessions to organizations that might otherwise oppose the projects. Don Eslick of the Estero Council of Community Leaders (ECCL) suggested that the Council and ECCL should pass resolutions, then try to get support from environmental groups. There was consensus that a resolution should be drafted for approval within the next two weeks. Old Estero resident Patty Whitehead noted that the Responsible Growth

Management Coalition was opposed to Corkscrew Farms, which would be located over several important aquifers.

Village Attorney's Comments:

Village Attorney Burt Saunders reported that a planned meeting with Assistant County Manager Pete Winton had been changed to 11:00 am on Tuesday morning. At Mayor Batos' request, Vice-Mayor Levitan agreed to attend with Attorney Saunders.

Interim Village Manager's Comments:

Interim Village Manager Peter Lombardi had no comment.

ADJOURN

The Mayor adjourned the meeting at 4:09 pm.

ATTEST:

By: Kathy Hall

Kathy Hall, MMC
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos

Nicholas Batos
Mayor