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**APPROVED BY COUNCIL  
MAY 4, 2016**

## **FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
21500 Three Oaks Parkway  
Estero, FL 33928  
Village Council Regular Meeting  
March 30, 2016 10:00 a.m.**

**1. CALL TO ORDER:** 10:00 a.m.

**2. PLEDGE OF ALLEGIANCE:** Led by Mayor Batos.

**3. ROLL CALL:** Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Donald Brown - District 3 (left the meeting at 1:35 p.m.), Councilmember Katy Errington - District 4, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Land Use Counsel Nancy Stroud, Derek Rooney, Esq., and Village Clerk Kathy Hall.

## **4. APPROVAL OF AGENDA:**

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

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Wilson

**Action:** Approved the agenda.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

## **5. PUBLIC HEARING:**

### **(A) Village Center Comprehensive Plan Amendments – CPA 2016-01**

#### **First Reading and Transmittal Hearing**

Ordinance No. 2016-04 An Ordinance of the Village of Estero, Florida, Adopting for First Reading Proposed Amendments to the Village of Estero Transitional Comprehensive Plan to Change the Text of the Future Land Use Element and the Glossary and to Amend the Future Land Use Maps to Provide for a New Future Land Use Category, Policies, and Objectives Related to the New Village Center Area and to Update Certain Outdated Provisions of the Future Land Use Element, all as Provided on Attachment A made a part Hereof; Providing for Transmittal of the Proposed Amendments to the State of Florida and other Reviewing Agencies as Required by Statute; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

The title of Ordinance No. 2016-04 was read by the Village Clerk.

#### **Presentations by:**

Community Development Director Gibbs provided explanation regarding the Village-sponsored Comprehensive Plan Amendments for the Village Center (a new land use category), including changes to the land use map and policies to the Comprehensive Plan; reduced acreage; density; incentives; vested rights language; mixed use overlay; and allowing for flexibility in DRIs. Ms. Gibbs noted that the Planning and Zoning Board approved a motion at the March 22, 2016 meeting recommending approval for transmittal, subject to modifications that staff saw fit to include, based on public testimony.

#### **Public Comment:**

Matt Uhle, representing CT Land Investment, LLC and Livingston/Veterans, LLC  
Neale Montgomery, Pavese Law Firm (verbal testimony and presented a letter from S.W. Moore)

Wayne Arnold, representing North Point Ltd. (presented written testimony with suggested revisions)

Katie Sproul, representing Estero North Point

Steve Hartsell, Pavese Law Firm, representing Focus Development Group

Jim Wallace, Genova (presented written testimony)

Tim Hancock, Stantec

Andrew Solis, representing Village Partners

Zao Zhang, representing Coconut Road Associates

Laura DeJohn, representing Focus Development

Don Eslick, ECCL

**Questions or Comments by:** Vice Mayor Levitan, Councilmembers Wilson, Errington, and Mayor Batos

Discussion included vested rights; suggested revisions; whether the representatives believed their clients were in favor of the Council transmitting the Village Center

Comprehensive Plan amendments; and the ability of making minor revisions at the end of the process without resubmitting to the state.

**Motion:** Move to pass first reading of Ordinance No. 2016-04 and to transmit.

**Motion by:** Vice Mayor Levitan

**Seconded by:** Councilmember Ribble

**Action:** Passed first reading and transmittal of Ordinance No. 2016-04.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

It was noted that second reading and adoption was tentatively scheduled for May 18, 2016, depending upon response from the state.

The meeting went into recess at 11:30 a.m. and reconvened at 12:35 p.m.

## **6. COUNCIL BUSINESS:**

(A) Planning and Zoning Board and Design Review Board Interviews

**The following applicants were interviewed:**

Joe McHarris

John Goodrich

Marlene Naratil

Frank Kupiec

Anu Lacis

Greg Toth

Albert O'Donnell

Pamela Radcliff

William Glass

Tim Byal

**Questions or Comments by:** Mayor Batos and Councilmembers Boesch, Ribble, Errington, Wilson, and Vice Mayor Levitan.

Discussion included conflicts of interest and absenteeism.

The meeting went into recess at 1:38 p.m. and reconvened at 1:54 p.m.

(B) Board Appointments

Deferred until the April 6, 2016 Council meeting.

**7. PUBLIC INPUT ON NON-AGENDA ITEMS:**

None.

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

Vice Mayor Levitan provided information regarding last evening's Planning and Zoning Board meeting regarding the comprehensive plan amendment request for Estero Crossing, as well as policy decisions facing the Village Council. Discussion followed: Councilmembers Wilson, Boesch, Ribble, Errington, and Mayor Batos.

**9. VILLAGE ATTORNEY COMMENTS:**

Derek Rooney, Esq., attending on behalf of Village Attorney Saunders, stated that he could provide information to the Council related to conflicts of interest.

**10. VILLAGE MANAGER COMMENTS:**

None.

A motion to adjourn was duly made and passed.

**11. ADJOURN:** 3:02 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC  
Village Clerk

By: Nicholas Batos  
Nicholas Batos  
Mayor