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**APPROVED BY COUNCIL
JANUARY 3, 2018**

FINAL ACTION AGENDA/MINUTES

Village Council Meeting

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
November 1, 2017 9:30 a.m.**

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

Call to Order: 9:30 a.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 Attorney Burt Saunders, Village Land Use Attorney Nancy Stroud, Assistant to Village Manager Kyle Coleman, Village Clerk Kathy Hall, Finance Director Lisa Roberson, and Community Development Director Mary Gibbs.

Mayor Boesch referred to the three resolutions listed under agenda item 9 - Council Communications. Discussion ensued and consensus was to address the resolutions under that agenda item.

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

Mayor Boesch stated that he received a request from Councilmember Batos to add agenda item 6 (c) Letter to President Trump regarding continued support for the repairs to the Herbert Hoover Dike and moving forward on the Everglades restoration projects.

Motion: Move to approve the agenda as amended, adding agenda item 6 (c) Letter to President Trump.

Motion by: Councilmember Batos

Seconded by: Vice Mayor Ribble

Action: Approved the agenda as amended, adding agenda item 6 (c) Letter to President Trump.

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. INTRODUCTION: Michael V. Martin Ph.D., President, Florida Gulf Coast University (FGCU)

Vice Mayor Ribble provided an introduction. Dr. Martin shared his personal appreciation of the warm welcome to the area and spoke regarding FGCU's growth and the success of the students, community engagement, and expansion on the campus.

4. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Barbara Saxton, The Reserve, representing Friends of River Oaks Park, provided an update on the River Oaks Park project and requested that the Village hold a workshop in January.

Patty Whitehead, Old Estero, reflected on some of the comments brought up by Dr. Martin.

Questions or Comments: Mayor Boesch suggested that Ms. Saxton speak with the Village Manager to set up a workshop.

5. CONSENT AGENDA:

(a) Financial Report for September 30, 2017

(b) September 6, 2017 Council Meeting Minutes

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Levitan

Seconded by: Councilmember Batos

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

6. ACTION ITEMS:

(a) Stray Animal Control Services Interlocal Agreement with Lee County

Village Manager Sarkozy provided an explanation of the agreement, which has been ongoing.

Questions or Comments: Councilmembers Batos, Levitan, and Errington. Discussion included Lee County providing a quarterly report; volume of stray animals reported; convenience of the service; and price.

Public Comment: None.

Motion: Move to approve the Interlocal Agreement with Lee County for Stray Animal Control Services.

Motion by: Councilmember McLain

Seconded by: Councilmember Batos

Action: Approved the Interlocal Agreement with Lee County for Stray Animal Control Services.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(b) Amended 2018 Village of Estero Legislative Priorities

Village Manager Sarkozy reviewed that the list was discussed at a workshop, the list was modified since that time, and after approval it would be provided to the Village Attorney.

Questions or Comments: Councilmembers Batos, Levitan, Batos, Wilson and Mayor Boesch. Discussion included how the extension of the Jeff Sommer Memorial Highway would be handled; and designation of Corkscrew Road, west of Alico Road and east of the I-75 interchange, as a truck free highway.

Public Comment: None.

Motion: Move to approve the amended 2018 Village of Estero Legislative Priorities.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Wilson

Action: Approved the amended 2018 Village of Estero Legislative Priorities.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (c) Letter to President Trump Regarding Continued Support for the Repairs to the Herbert Hoover Dike and Moving Forward on the Everglades Restoration Projects

Councilmember Batos provided an explanation regarding the request from Congressman Rooney asking that communities support a letter to President Trump regarding the Herbert Hoover Dyke project and the Everglades restoration projects.

Motion: Move to approve a letter to President Trump regarding continued support for the repairs to the Herbert Hoover Dike and moving forward on the Everglades restoration projects, signed by the Mayor.

Motion by: Councilmember Batos

Seconded by: Vice Mayor Ribble

Action: Approved a letter to President Trump regarding continued support for the repairs to the Herbert Hoover Dike and moving forward on the Everglades restoration projects, signed by the Mayor.

Vote:

Aye: Unanimous

Nay:

Abstentions:

7. **ORDINANCE FIRST READING/PUBLIC HEARING:**

- (a) Ordinance No. 2017-10 An Ordinance of the Village Council of the Village of Estero, Florida, Amending Chapter 34, Division 31 of Estero Land Development Code to Prohibit Medical Marijuana Facilities within the Boundaries of the Village; Providing for a Moratorium Contingency; Providing for Codification, Severability, Conflicts and an Effective Date

The title of Ordinance No. 2017-10 was read by Village Clerk Hall. Mayor Boesch inquired whether the ordinance had been properly advertised; Village Clerk Hall responded affirmatively; Village Attorney Saunders provided comments.

Public Comment:

Bill Carr, Carriage Court, Estero, supported the ordinance.

Questions or Comments: Vice Mayor Ribble reviewed the third “Whereas” of the ordinance relating to population and expressed disappointment that the Planning and Zoning Board did not challenge testimony stating that a dispensary was not located nearby. Councilmember Batos stated that he received an email from 2 couples. Councilmember Levitan noted that there was an overwhelming amount of people who voted for medical marijuana; however, until the legislature acts, it was appropriate for the Council to ban dispensaries. He also addressed people in need.

Motion: Move to pass first reading and schedule second reading/public hearing for November 15, 2017, at 9:30 a.m.

Motion by: Councilmember Batos

Seconded by: Councilmember Ribble

Action: Passed first reading and scheduled second reading/public hearing for November 15, 2017, at 9:30 a.m.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (b) Ordinance No. 2017-11 An Ordinance of the Village Council of the Village of Estero, Florida, Further Amending Ordinance No. 15-01; Changing the Qualifications for Membership of the Design Review Board; Adding a New Section 4 Regarding Ethics and Conflicts of Interest; Revising the Quorum Requirement for the Design Review Board; Providing a Severability Clause; and Providing an Effective Date

Mayor Boesch provided an introduction and the title of Ordinance No. 2017-10 was read by Village Clerk Hall. Village Manager Sarkozy addressed the Board membership and noted that the question has been how to deal with conflicts of interest.

Questions or Comments: Councilmembers Batos, Levitan, Errington, Vice Mayor Ribble, Wilson, and Mayor Boesch. Discussion included the risk of losing some of the professionals that have been in place for a long time; possibility of continuing to allow them to stay on the Board and when someone has a recusal they leave the room; there are many volunteers in the area; there are ways to set standards for board members' behavior; the Village has been widely criticized and Council has to do something to eliminate the appearance of impropriety.

Public Comment:

Gary Green, Pensacola Avenue, addressed his appreciation to volunteer board members and his support for the ordinance.

Bill Carr, Carriage Court, Estero, supported the ordinance.

Patty Whitehead, Old Estero, speaking as a member of the Design Review Board and a member of the public, understood the perceived results of the public; suggested including retired planners or public officials on the board and having a balance between paid and non-paid board members.

Motion: Move to pass first reading and schedule second reading/public hearing for November 15, 2017.

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Action: Passed first reading and scheduled second reading/public hearing for November 15, 2017.

Vote: (Roll call vote)

Aye: Councilmembers Levitan, McLain, Errington, Wilson, Vice Mayor Ribble, and Mayor Boesch

Nay: Councilmember Batos

Abstentions:

8. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Meredith Barnard, Conservancy of Southwest Florida, offered assistance from the Conservancy as a resource to the Council and provided information regarding an upcoming event on Wednesday, November 8.

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

(a) Discussion of three Resolutions as suggested by Councilmember Errington:

- (1) Supporting the Designation of the Coach Jeff Sommer Memorial Highway on U.S. 41 from the North Boundary to the South Boundary of the Village of Estero
- (2) Supporting Senate Bill 8 and House Bill 21 Controlled Substances
- (3) Supporting Senate Bill 434 and House Bill 407 Creating the Neonatal Abstinence Syndrome Pilot Project

Questions or Comments: Councilmembers Errington, Ribble, Batos, Levitan, Vice Mayor Ribble, and Mayor Boesch. Discussion included communications between Councilmember Errington and Mrs. Sommer; an inquiry why Councilmember Batos was not handling the extension of the Jeff Sommer Memorial Highway; support for Senator Benacquisto; letters to senators would be more appropriate than Council resolutions; Council's job was to work on local issues. Village Attorney Saunders noted that, related to the Senate and House Bills, there were things that could cause problems for some people; he recommended that the Village not take a position. Consensus was to bring back the resolution related to the designation of the Coach Jeff Sommer Memorial Highway on U.S. 41 on the Consent Agenda for the November 15, 2017 Council meeting.

Councilmember Wilson: Spoke regarding the old list of suggested workshops and requested a workshop regarding the potential properties available.

Councilmember Batos: Provided a list of workshops to the Village Manager.

Councilmember Errington: Requested a workshop with Lee County Utilities.

Councilmember McLain: Spoke regarding the funds for the Seminole Gulf Railroad project being re-positioned and comments that were solicited. He reported that 188 letters from his district would be submitted.

Vice Mayor Ribble: Spoke regarding the Veterans Day events, including the Elks Club breakfast.

10. VILLAGE ATTORNEY'S REPORT:

Reported that he will be meeting with legislators soon.

11. VILLAGE MANAGER'S REPORT: None.

Adjourn Regular Session and Convene Workshop

The meeting went into recess at 11:35 a.m. and reconvened at 11:45 a.m.

12. WORKSHOP ITEMS:

(a) Comprehensive Plan:

(1) Recreation and Open Space

(2) Public School Facilities

Village Manager Sarkozy provided an introduction and asked the Council to send all suggested Comprehensive Plan revisions to him.

Community Development Director Gibbs reported that the November 8, 2017 Comprehensive Plan workshop had been postponed.

Laura DeJohn, Johnson Engineering, Public School Facilities PowerPoint Presentation: Major Objectives – Location and Development, Facilities Coordination, Service Levels and Environmental Education and Outreach; Issues for Discussion and Decision.

Christine Patricca, Lee County School Board Member, District 3, addressed emergency response, preparedness, shelters, and communications.

Questions or Comments: Mayor Boesch expressed frustration with School Board communications. Councilmember Batos stated he hoped that an interlocal agreement would come forward before the end of the year. Councilmember Levitan asked Ms. Patricca to provide general comments on policies to be included in the Comprehensive Plan. Councilmember Batos noted that he expected to meet with them, along with the consultants, in the next week or two.

Ben Smith, LaRue Planning, Recreation and Open Space PowerPoint Presentation: Major Objectives – Master Planning; Interconnections; Coordination with State and Local Departments; Issues for Discussion and Decision.

Questions or Comments: Councilmember Batos noted that he would like to speak with the consultants regarding the trail; limiting the trail on the rail line was not the direction proposed; there are other possibilities and there should be a broader area of opportunities that are being looked at by the MPO and the Village, and he would like that incorporated in the document. Councilmember Levitan agreed and believed that all of the elements needed to be coordinated. He spoke to the importance of entering into an agreement with an expert for a parks and recreation master plan, to ensure inclusion of all the levels of service, objectives and needs that should be required in Estero, which would be utilized in the Capital Improvements Plan and to determine the priorities.

Public Comment:

Ed Weil, Rookery Pointe, Chair of Coalition and Advisor to Estero High School Alumni Association, provided suggestions: sustainable identity of the Village throughout the Comprehensive Plan; distinction between passive and active reusable space; and Estero High School being included or recognized in the document as a signature recreational facility.

Patty Whitehead, Old Estero, addressed concern with Council comments regarding CSX Rail corridor and other open space opportunities for preservation.

Don Eslick, ECCL, addressed the westerly entrance to the park and development of 10 acres of the park.

A motion to adjourn was made and duly passed.

13. ADJOURNMENT: 12:35 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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