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**APPROVED BY COUNCIL  
FEBRUARY 1, 2017**

**FINAL ACTION AGENDA/MINUTES**

**Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
Village Council Meeting  
January 18, 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 Batos.

**Invocation:** Offered by Pastor Frank Brand from First Baptist Church of Estero.

**Roll Call:** Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Katy Errington - District 4, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7. Absent: Councilmember Donald Brown - District 3 (excused absence).

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, Community Development Director Mary Gibbs, and Development Review Manager Walter McCarthy.

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

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

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Errington

**Action:** Approved the agenda.

**Vote:**

**Aye:** Unanimous (Councilmember Brown absent)

**Nay:**

**Abstentions:**

### **3. CONSENT AGENDA:**

- (a) Approval of December 20, 2016 Council Meeting Minutes
- (b) Approval of January 4, 2017 Council Meeting Minutes

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

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Boesch

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

### **4. ACTION ITEMS:**

- (a) Resolution No. 2017-01 A Resolution of the Village Council of the Village of Estero, Florida, Approving the City Mattress at Coconut Point Plat; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2017-01. Development Review Manager McCarthy reviewed that this was before the Council at the January 4, 2017 meeting and that Vice Mayor Levitan asked for further information.

Vice Mayor Levitan stated he was concerned that a fast food restaurant with a drive thru would be permitted on parcel 2A; Development Review Manager McCarthy assured him that the total number of fast food restaurants had already been done in Coconut Point and, therefore, it was not an available use on the parcel. Vice Mayor Levitan also requested striking that the word “significantly” in the memorandum from the Assistant Village Attorney. Village Attorney Saunders responded that a revised memorandum would be provided to Village staff as well as making certain that language was not included in future memorandums related to plat approval.

**Public Comment:** None.

**Motion:** Move to adopt Resolution No. 2017-01.

**Motion by:** Councilmember Boesch

**Seconded by:** Vice Mayor Levitan

**Action:** Adopted Resolution No. 2017-01.

**Vote:**

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

**(b) State Legislative Agenda**

Village Manager Sarkozy briefly reviewed information that was discussed at the January 4, 2017 Council meeting and provided information regarding an additional entry supporting the efforts of Representative Fitzenhagen to reduce the cost of health care by providing for the creation of Recovery Care Centers in House Bill 145.

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

Discussion included taking a position opposing the Caldwell Fire District bill merging independent fire districts; supporting state funding for transportation connectivity for pedestrian and bicyclists projects as well as design and construction of additional "complete" streets; and removing support for the efforts of Representative Fitzenhagen to reduce the cost of health care by providing for the creation of Recovery Care Centers in House Bill 145 from the list.

Discussion followed regarding support for the Edison Farms property to remain a watershed in perpetuity.

**Public Comment:**

Scott Vanderbrook, Fire Chief, Estero Fire Rescue  
Don Eslick, ECCL

**Motion:** Move to revise item No. 2 on the legislative priorities list to read: "Support funding for the acquisition of the "Edison Farms" parcel (located due East and South of the Village) to preserve in perpetuity this key environmental area, create the potential for a local park with trails and viewing areas, provide mitigation of storm water impacts and reduction in flooding within Estero and adjoining communities, and preserve the value of this unique resource as a ground water recharge area."

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Ribble

**Action:** Revised item No. 2 on the legislative priorities list to read: "Support funding for the acquisition of the "Edison Farms" parcel (located due East and South of the Village) to preserve in perpetuity this key environmental area, create the potential for a local park with trails and viewing areas, provide mitigation of storm water impacts and reduction in flooding within Estero and adjoining communities, and preserve the value of this unique resource as a ground water recharge area."

**Vote:**

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

**Motion:** Move to approve the Village of Estero 2017 State Legislative Priorities as revised: 1. Support for interim road improvements on Corkscrew Road at I-75 to improve access to the freeway and improve the level of service at the intersection to acceptable levels. 2. Support funding for the acquisition of the "Edison Farms" parcel (located due East and South of the Village) to preserve in perpetuity this key environmental area, create the potential for a local park with trails and viewing areas, provide mitigation of storm water impacts and reduction in flooding within Estero and adjoining communities, and preserve the value of this unique resource as a ground water recharge area. 3. Support for State legislation to limit discharges from Lake Okeechobee and the negative down-stream impacts to the Gulf and Estero Bay. The Village of Estero also supports continuing funding for the C-43 reservoir project and additional efforts to move more water south of Lake Okeechobee. 4. Opposes any legislation that would pre-empt Home Rule protections including, but not limited to mandating fertilizer standards and fracking. 5. Supports State funding for projects which would advance enhanced transportation connectivity for pedestrian and bicyclists as well as design and construction of additional "complete" streets. 6. Opposes the filing of the local bill dealing with the merger of independent fire districts.

**Motion by:** Councilmember Boesch

**Seconded by:** Councilmember Ribble

**Action:** Approved the Village of Estero 2017 State Legislative Priorities as revised.

**Vote:**

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

**(c) Bonita Springs Estero Economic Development Council Membership**

Village Manager Sarkozy reviewed the January 4, 2017 Council workshop discussion; the commitment would be \$5,000 for the coming year and Councilmember Wilson designated as liaison.

Councilmember Boesch stated this was a test to see how things work out and Council would review the commitment in one year.

**Public Comment:** None.

**Motion:** Move to approve the Village of Estero membership in the Bonita Springs Estero Economic Development Council for a one-year trial period at a cost of \$5,000; designating Councilmember Wilson as the liaison; and thanking the Estero Community Improvement Foundation for their \$5,000 matching contribution.

**Motion by:** Vice Mayor Levitan

**Seconded by:** Councilmember Ribble

**Action:** Approved the Village of Estero membership in the Bonita Springs Estero Economic Development Council for a one-year trial period at a cost of \$5,000; designated Councilmember Wilson as the liaison; and thanked the Estero Community Improvement Foundation for their \$5,000 matching contribution.

**Vote:**

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

5. **UNFINISHED BUSINESS:** None.

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

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

Councilmember Ribble: Requested that the Village Manager ask staff to prepare an Excel spreadsheet calendar for upcoming events rather than listing them in an email.

Vice Mayor Levitan: Inquired whether Council appointed someone to be the spokesperson at the Legislative Delegation meeting. Brief discussion followed.

**Motion:** Move to designate Mayor Batos as the Village spokesman at the Legislative Delegation meeting.

**Motion by:** Vice Mayor Levitan

**Seconded by:** Councilmember Wilson

**Action:** Designated Mayor Batos as the Village spokesman at the Legislative Delegation meeting.

**Vote:**

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

Councilmember Errington: Addressed concern regarding the landscaping that began on January 7, 2017 and the mulch that was placed along Estero Parkway. Village Manager Sarkozy explained that the landscaping was a last gesture by the county; the color and quality of the mulch was not the best choice. Mayor Batos suggested that, if something was objectionable, the Village should make it right. Brief discussion followed regarding landscape standards, followed by discussion regarding the Estero Parkway project. Councilmember Errington also addressed cleaning up and taking care of the median on US 41.

Councilmember Boesch: Requested that the Village Manager contact Commissioner Kiker regarding a possible liaison position to the DR/GR.

Councilmember Wilson: Provided a report regarding a recent Eastern Corkscrew Alliance meeting that he attended and addressed concern regarding Lee County's traffic study that was still in process. He inquired whether the Village traffic study would be available in May. Community Development Director Gibbs responded that a kickoff meeting was held yesterday, the consultant would be conducting traffic counts in late February to mid-March, and that a lot of research would be involved. She added that she would be sharing Village traffic study information with the county and that the consultants were also meeting with the county in order to avoid any overlap.

Mayor Batos: Spoke to bicycle/pedestrian study funding that would be on an upcoming Metropolitan Planning Organization (MPO) meeting agenda; funding was being moved up from mid-2018 to winter or spring 2017. Councilmember Boesch inquired about a study completed by the MPO three years ago. Discussion ensued and the Village Manager was asked to provide a copy of the study to the Council.

**8. VILLAGE ATTORNEY'S REPORT:**

Village Attorney Saunders provided a progress report regarding the transfer of an environmental easement that the Nature Conservancy was working on; evaluation of the criteria was nearly completed.

**9. VILLAGE MANAGER'S REPORT:** None.

The meeting went into recess at 10:26 a.m. and reconvened at 10:37 a.m.

**10. WORKSHOP ITEMS:**

**(a) Planning and Zoning Board 2016 Annual Report**

Planning and Zoning Board Chairman Scotty Wood offered appreciation to the Vice Mayor, Village Land Use Attorney Stroud, Community Development Director Gibbs and her staff. He spoke to the composition and qualifications of Board Members, stated that the Board's mission was to help the Village grow responsibly and noted that they have had a busy year.

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

Discussion included compliments to the Board Members and the quality of work demanded; whether Chairman Wood found that the Council Chambers seating capacity was large enough; attendance; the leadership allowing discussion and consensus, improvements to decorum and team environment.

**Public Comments:**  
Don Eslick, ECCL

**(b) Advertising for Planning and Zoning Board and Design Review Board Members for Terms Expiring March 31, 2017**

Village Manager Sarkozy referred to the proposed advertising and interview schedule and noted that terms were expiring for two Planning and Zoning Board members and four Design Review Board members.

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

Discussion included the past practice of asking for incumbents to reapply, along with accepting applications from the public; the Council's supervisory and review oversight of both Boards, allowing for the opportunity to respond to situations the Council believed were important for change; and concern regarding Board Members recusing themselves and being able to present an application as a paid consultant.

Discussion ensued regarding scheduling a workshop to address Board Members recusing themselves and decorum at meetings, specifically addressing the public. It was noted that it would be important to provide the Council a copy of the ordinance that created the boards.

**Public Comment:** None.

Adjourned workshop and reconvened meeting.

**11. ZONING AMENDMENT ORDINANCE SECOND READING AND PUBLIC HEARING:**

**(a) Estero United Methodist Church Zoning Amendment**

Ordinance No. 2017-01 An Ordinance of the Village Council of the Village of Estero, Florida, Approving an Amendment to the Community Facilities Planned Development with Deviations to Allow for Reconfiguration of the Master Concept Plan for Property Located at US 41 Consisting of Approximately 12.97 Acres; Providing for Severability; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2017-01. Staff and audience members providing testimony were sworn in.

Disclosure of ex-parte communications or conflicts of interest: Councilmembers Ribble, Errington, Boesch, Wilson, Vice Mayor Levitan, and Mayor Batos.

Community Development Director Gibbs provided information related to reducing total square footage of buildings and the addition of buildings. She reviewed that the Planning and Zoning Board approved with conditions and that first reading of the ordinance was held at the January 4, 2017 Council meeting. She stated that, in the meantime, the applicant was asked to provide further information regarding buffering and landscaping along US 41 and on Highlands Avenue; heritage trees preservation; height of building; septic system; turn lane on US 41; building architecture and providing a pattern book.

**Presentation and Discussion:**

Pastor Tim Carson provided history of the church, dating back to 1915; community involvement; and volunteer service.

John Wojdak, DeLisi Fitzgerald, provided information regarding project overview; current entitlements; existing Master Concept Plan; proposed amendment; proposed Master Concept Plan; engineering elements including stormwater management and water and sewer utilities. He indicated that they were requesting to stay on a septic system at the present time, but would connect to central sewer when flow exceeded 5,000 GPD or at the time of Development Order when adding seats in the sanctuary.

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

Discussion included location of leach field and an inquiry regarding the last time it was inspected; proposal to remove old system and installation of new system to bring up to current standards; the proposed addition does not warrant connecting to sewer at this time; annual testing of the system and sewer connection timeline.

**Presentations and Discussion:**

Ted Treesh, TR Transportation, addressed the reduction in vehicle trips with the proposal; access drives; new connection to US 41 (currently in the permitting process); no increase in seating capacity in the sanctuary. Discussion followed regarding the US 41 turn lane.

Dalas Disney, Disney & Associates, indicated that the project had been through the Design Review Board process; he spoke to the proposal and uses of the buildings; Old Florida architectural style; building elevations; and asked that the requested 45' building height be allowed. Discussion included elements of Old Florida style; the importance of including the description of Old Florida style with the pattern book and the ordinance; the lack of justification for the 45' building height; parking lot surface and phasing.

Greg Diserio, David M. Jones & Associates, addressed landscape buffers along US 41, Lords Way, Broadway Avenue, Highlands Avenue, and the south buffer; landscape elements related to detention plantings; revised monument sign; pedestrian seating area focal point; landscape planting plan; saving and removing heritage trees. Discussion ensued regarding landscaping; whether they have had discussions related to the plantings along Broadway Avenue with neighbors; removal of heritage trees; possibility of enhancing the buffer during Phase 3; the monument sign; and landscape maintenance responsibility.

Pastor Carson addressed the issue regarding the sewer connection and the addition of the turn lane; he agreed to install the turn lane right away. Richard Barrow, representing the Estero United Methodist Church Building Committee, stated that FDOT would not require the turn lane based on current trip counts. Vice Mayor Levitan noted that there were clear alternatives for access.



Discussion regarding ordinance revisions ensued. The following revisions were made:

Condition 1 – New wording: The development of this project must be consistent with the one-page Master Concept Plan entitled, “ESTERO UNITED METHODIST CHURCH”, MASTER CONCEPT PLAN stamped Received December 29, 2016. The development must comply with all of the requirements of the LDC at the time of development order approval. If approved by the Village Council, the plan amendment will allow a maximum of 78,148 square feet of building space including 1,000 seats of sanctuary space within two buildings. The maximum height of all buildings is 35 feet.

Condition 3 – New wording: Due to the existing speed limit of 50 mph on US-41/Tamiami Trail, a northbound right turn lane shall be provided into the proposed new ingress egress opening prior to issuance of a certificate of compliance for the first development order.

Condition 7 – New wording: Sewer and septic. The project will be required to connect to the sewer system as required by current or future Village code. Annual septic tank inspections will be conducted and submitted to the Village community development director to ensure that the septic system is functioning properly.

Condition 10 – New wording: Buffers are as shown on the Master Concept Plan. The buffers on the south parcel (Parcel #2) shall be installed as part of the first Development Order. At the time of a development order for Phase 3 (Building 3), the Highland Avenue buffers will be reviewed by the Design Review Board for possible required enhanced plantings.

Condition 15 – New wording: Development must comply with the Pattern Book, Exhibit B, including the attached written description of Old Florida Style.

**Public Comment:** None.

**Motion:** Move to pass second reading and adopt Ordinance No. 2017-01 with revised wording for Conditions 1, 3, 7, 10, and 15.

**Motion by:** Vice Mayor Levitan

**Seconded by:** Councilmember Ribble

**Action:** Passed second reading and adopted Ordinance No. 2017-01 with revised wording for Conditions 1, 3, 7, 10, and 15.

**Vote:**

**Aye:** Unanimous (roll call; Councilmember Brown absent)

**Nay:**

**Abstentions:**

A motion to adjourn was duly made and passed.

**12. ADJOURNMENT: 1:07 p.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos  
Nicholas Batos, Mayor