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**APPROVED BY COUNCIL
FEBRUARY 15, 2017**

FINAL ACTION AGENDA/MINUTES

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

Invocation: Offered by Pastor Mark Goodman from Christ Community Ministries.

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, Assistant to Village Manager Kyle Coleman, Village Clerk Kathy Hall, Finance Director Lisa Roberson, and Community Development Director Mary Gibbs.

Chris Patricca, Lee County School Board, was introduced by Mayor Batos.

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

Motion: Move to approve the agenda, adding Edison Farms as Agenda Item 10 (c).

Motion by: Councilmember Errington

Seconded by: Councilmember Ribble

Action: Approved the agenda as revised, adding Edison Farms as Agenda Item 10 (c).

Vote:

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

3. CONSENT AGENDA:

- (a) Approval of January 18, 2017 Council Meeting Minutes
- (b) Financial Report for December 31, 2016

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Ribble

Seconded by: Councilmember Boesch

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

4. ACTION ITEMS:

- (a) Resolution No. 2017-04 A Resolution of the Village Council of the Village of Estero, Florida, Designating the Three Candidates Who Have Officially Qualified for the Office of Village of Estero Village Council for Districts 1, 2, and 6; Finding and Declaring that the Three Qualified Candidates are Unopposed for the District 1, 2, and 6 Available Village Council Seats; Finding and Declaring that Pursuant to the Estero Charter and General Law that Such Three Qualified and Unopposed Candidates Have Become Council Members Elect and Shall Take Office as Village Council Members on March 21, 2017; Declaring that the Village of Estero Municipal Election Scheduled for March 7, 2017 is Hereby Completed Since There are No Other Election Contests or Ballot Measures to be Presented to the Electorate at Such Election; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2017-04. Village Manager Sarkozy provided brief comments regarding the resolution. Councilmember swearing in ceremony was set for the April 5, 2017 Council meeting.

Public Comment: None.

Motion: Motion to adopt Resolution No. 2017-04.

Motion by: Councilmember Wilson

Seconded by: Councilmember Errington

Action: Adopted Resolution No. 2017-04.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

(b) Procedural Issue - Estero Grande Application for Development Order

Recommended Action: Staff recommends that: (1) Council request the Village Land Use Attorney to draft a Bonus Density Land Acquisition ordinance for Council review; and (2) Upon applicant revisions of the Pattern Book, schedule Council review at a future meeting for compliance with Zoning Conditions.

Village Manager Sarkozy provided a brief explanation. Community Development Director Gibbs addressed staff's request for the Council to provide direction on two items related to the Estero Grande Development Order; the application was currently under review for the "infrastructure", meaning the basic road and utilities layout and parcel configuration; no individual parcels have been submitted yet for commercial or residential uses.

The staff identified two issues during review that require interpretation and policy direction from the Council: (1) Interpretation of two zoning conditions of Lee County's approval of Estero Grande in Zoning Resolution Z 14-028. (2) Policy direction on "Bonus Density," density above the standard residential range of 1-6 units per acre.

Community Development Director Gibbs spoke to the zoning conditions and noted that staff did not believe that the current Pattern Book satisfied the conditions; the Pattern Book should be revised to more specifically represent what would be built on the site based on the anticipated use of the property.

With regard to the Bonus Density Program, Community Development Director Gibbs explained that Village Land Use Attorney Nancy Stroud opined that the program would not be applicable in the Village unless and until the Village adopted its own program or entered into an interlocal agreement with Lee County to use the county program. She stated that staff was requesting direction on whether the Council desired to establish a bonus density program; another option that had been discussed was establishing a bonus density program for land acquisition, to provide future opportunities for land preservation or recreation, or similar needs. Ms. Gibbs noted that an ordinance would need to be prepared outlining specific provisions if the Council chose to implement establishing a bonus density program for land acquisition rather than the housing density program.

Community Development Director Gibbs offered two recommendations: (1) Council request the Village Land Use Attorney to draft a Bonus Density Land Acquisition ordinance for Council review; and (2) Upon applicant revisions of the Pattern Book, schedule Council review at a future meeting for compliance with Zoning Conditions.

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

Discussion followed including the history of the Estero Grande project; Pattern Book review; adopting a bonus density program; Development Order conditions; parking concerns; and interconnect with the Terra Vista community.

Public Comment:

Steve Hartsell, Pavese Law, addressed concerns regarding the process.

Don Eslick, ECCL, praised the legal opinion from the Village Land Use Counsel.

Gary Green, Breckenridge, representing Breckenridge Master Board, addressed the need for a bonus density ordinance and the importance of the Pattern Book.

Brief discussion followed regarding Village Land Use Counsel Stroud's memorandum regarding land use procedural issues raised by Estero Grande application for Development Order and the need to continue this agenda item and hold a workshop when Ms. Stroud would be available.

Motion: Move to schedule a workshop.

Motion by: Vice Mayor Levitan

Seconded by: Councilmember Errington

Action: A workshop will be scheduled.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (c) Letter to Florida Department of Transportation (FDOT) Requesting Village Traffic Signal Maintenance Responsibilities for US 41 be Transferred to Lee County

Village Manager Sarkozy explained the letter regarding traffic signal maintenance for US 41 which will streamline Village operations, reduce Village liability and strengthen the partnership with Lee County, without cost; a list of the intersections involved were included in the letter.

Public Comment: None.

Motion: Move to approve the letter to Florida Department of Transportation.

Motion by: Councilmember Wilson

Seconded by: Councilmember Errington

Questions or Comments by:

Action: Approved the letter to Florida Department of Transportation.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

5. UNFINISHED BUSINESS: None.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Appearance by:

William Williams, The Cascades, addressed concern regarding Councilmember Brown's meeting attendance.

7. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmember Ribble: Requested a timeline on the Estero Parkway project and inquired regarding scheduling a time for Calvin Giordano's follow-up on evaluation.

Vice Mayor Levitan: Requested that a workshop be scheduled as soon as possible to address projects planned in the DR/GR in order for the Council to get a better understanding of what the plans are and what the Village Council's role should be.

Councilmember Errington: Requested that Lee County Utilities be scheduled for a workshop.

Councilmember Wilson: Requested that the Council hold a special meeting on February 22, 2017 for the purpose of finalizing the Council Rules of Procedure. Brief discussion ensued regarding liaison roles. There was consensus to hold the special meeting regarding Council Rules of Procedure and liaison roles on February 22, 2017.

Mayor Batos: Provided a report regarding a recent Metropolitan Planning Organization (MPO) meeting that he attended; he also provided Council a copy of a report entitled "LeeTran Monthly Passenger Trip Report – December 2016." He also addressed the approved scoping of the bicycle/pedestrian plan for Estero; the scoping has begun and when it was completed it would be brought forward for funding.

8. VILLAGE ATTORNEY'S REPORT:

None.

9. VILLAGE MANAGER'S REPORT:

None.

A motion to adjourn regular session was duly made and passed.

The meeting went into recess at 11:00 a.m. and reconvened at 11:13 a.m.

10. WORKSHOP ITEMS:

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).

- (a) Jennifer Hecker, Executive Director, Charlotte Harbor National Estuary Program (CHNEP), provided a detailed presentation regarding the program, including aligning goals; who they are; their partners; where they work; addressing four priority problems; estuaries in the CHNEP study area; what they can do for the Village; improving water quality; estuary protection and restoration; scientific information and support; environmental education and awareness; and membership involvement. Ms. Hecker provided a draft agreement for Village consideration.

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

Discussion included septic issue in Florida; addressing developments in high hazard areas (CHNEP typically does not take a position on developments); agreement review in one year; advocacy for Coconut Road; support for the County's purchase of Edison Farms to be held in perpetuity; assistance in designing a septic to sewer program; adjusting the agreement language; and senators' involvement with the CHNEP. Councilmember Errington agreed to be the liaison. There was consensus to bring the agreement forward at the February 15, 2017 Council meeting for approval and appointing Councilmember Errington as liaison.

- (b) Planning and Zoning Board and Design Review Board Meeting Decorum

Village Manager Sarkozy suggested that Council delegate himself and Community Development Director Gibbs to discuss meeting decorum with the Board Members after the Council Rules of Procedure have been adopted.

Discussion ensued on what should be addressed with Board Members as it related to meeting decorum and treating the public with respect. Suggestions were made that the Village Manager, Community Development Director and the Village Land Use Counsel work with the Chairperson of each Board and/or conducting one-on-one discussions with Board Members. It was also suggested that Council consider the jeopardy regarding Board Members having conflicts of interest.

Public Comment:

Garth Errington, Breckenridge, addressed role of the chairperson, importance of following up, and conducting an in-service training.

(c) Edison Farms

Councilmember Boesch spoke to a recent newspaper advertisement related to the sale of Edison Farms, as well as a map that was provided by the developer. He addressed the importance of the Council and other groups insisting that the land be held in perpetuity. He requested that the Council appoint him as liaison. There was consensus for a resolution to be drafted in support of the acreage to be held in perpetuity along with appointing Councilmember Boesch as liaison, to be placed on the February 15, 2017 Council meeting agenda.

Public Comment:

Jennifer Hecker, Charlotte Harbor National Estuary Program

A motion to adjourn was duly made and passed.

13. ADJOURNMENT: 12:24 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Nicholas Batos
Nicholas Batos, Mayor