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**APPROVED BY COUNCIL  
APRIL 5, 2017**

## **FINAL ACTION AGENDA/MINUTES**

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

Village Manager Sarkozy provided information received via Councilmember Brown's wife indicating that the doctor appointment he had scheduled this afternoon had been moved up; as a result he had to go to Tampa earlier than expected and requested an excused absence. Village Attorney Saunders stated that it was up to the Council to determine whether the absence would be excused.

**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.

At the conclusion of the roll call, Mayor Batos inquired whether any Councilmember objected to Councilmember Brown's excused absence; no objections were noted.

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.

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

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

**Motion by:** Councilmember Ribble

**Seconded by:** Councilmember Wilson

**Action:** Approved the agenda.

**Vote:**

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

**3. PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Positive comments in favor of Councilmember Brown:

Justin Zinn, Terra Vista

Greg Toth, no address provided

Beverly MacNellis, Marsh Landing

Jean McLoughlin, Grand Bayou Court

Dick Schweers, Fountain Lakes, Estero Fire Rescue Board Commissioner

District 3 representation concerns:

Ben Korbly, The Colony

Barry Freedman, The Vines

Gloria Beck, The Vines

Vicki Olson, The Colony

Norm Berger, The Vines; also spoke regarding concerns related to use of the railroad right-of-way for a bike and walkway

Mayor Batos conveyed appreciation to everyone that offered comments and noted that Councilmembers served all districts in the Village; if anybody had a problem, they could contact any of the Councilmembers. Councilmember Errington added that she assisted residents in District 3 on two occasions after receiving one email and one phone call and believed it was up to the Council to support Councilmember Brown.

**4. INTERVIEWS: Planning and Zoning Board and Design Review Board Applicants**

Prior to conducting interviews, Council discussed observations of recent conflicts of interest and performance issues regarding two Board Members; and the Council's hearing process related to removal of Board Members.

The following applicants were interviewed:

Barry Jones

Patty Whitehead

Bill Prys

Anthony Gargano

Scott Anderson

Dell Jones

John Yarbrough

Applicant Mark Novitski was not available.

Questions of applicants included attendance, conflicts of interest, advocacy, and treatment of the public.

The meeting went into recess at 11:12 and reconvened at 11:20 a.m.

Discussion ensued related to whether to continue discussion until the next Council meeting or vote to fill the current vacancies.

**Motion:** Move to schedule a hearing to speak to two Board Members, one on the Planning and Zoning Board and one on the Design Review Board, regarding whether they should be removed.

**Motion by:** Vice Mayor Levitan  
**Seconded by:** Councilmember Boesch

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

Discussion included the type of notice to be provided; Village Land Use Attorney Nancy Stroud's role; and the hearing process, which would entail a discussion with the two Board Members about their roles, behaviors, and serving at the pleasure of the Council. It was noted that both Board Members have faithfully served the Village for a number of years.

**Action:** A hearing will be scheduled to speak to two Board Members, one on the Planning and Zoning Board and one on the Design Review Board, regarding whether they should be removed.

**Vote:**

Aye: Unanimous (Councilmember Brown absent)

Nay:

Abstentions:

Through a ballot process, Anthony Gargano and John Yarbrough were appointed to the Planning and Zoning Board, terms ending March 31, 2020; Scott Anderson, Barry Jones, Bill Prysi, and Patty Whitehead were appointed to the Design Review Board, terms ending March 31, 2019.

## **5. CONSENT AGENDA:**

(a) Approval of February 15, 2017 Council Meeting Minutes

(b) Financial Report for January 31, 2017

**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:

**Questions or Comments by:** Councilmember Wilson and Vice Mayor Levitan.

**6. ACTION ITEMS:**

**(a) Stormwater Master Plan CN 2016-02 Consultant Agreement**

Village Manager Sarkozy reviewed the information from the last Council meeting and noted that the suggestions for revisions provided by the Council were incorporated into the agreement.

**Motion:** Move to approve the agreement with J.R. Evans Engineering for preparation of a Stormwater Master Plan for the Village, to be completed by approximately July 2018.

**Motion by:** Councilmember Errington

**Seconded by:** Councilmember Ribble

**Action:** Approved the agreement with J.R. Evans Engineering for preparation of a Stormwater Master Plan for the Village, to be completed by approximately July 2018.

**Vote:**

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

**Nay:**

**Abstentions:**

**7. UNFINISHED BUSINESS: None.**

**8. PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Mike St John, Stoneybrook, conveyed disappointment with the way Councilmember Brown was treated at the last Council meeting. He also addressed consideration of election of a Mayor at large.

Village Manager Sarkozy introduced Patty Narozny from the Estero Fine Art Show. Ms. Narozny addressed the Council regarding approval to allow street signage on a permit basis for an upcoming art show at Miromar Design Center, which she described as a top economic event in Estero. Brief discussion followed. A workshop will be scheduled at an upcoming Council meeting.

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

Councilmember Ribble: spoke regarding the new FGCU President, Michael Martin.

Councilmember Errington: requested a workshop for the Estero River Safety Committee in order to provide information and present a request to Council.

Mayor Batos: spoke regarding the February 28 workshop and believed that it was well-received.

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

Village Attorney Saunders addressed Senate Bills and House Bills in the upcoming legislative session. He also noted that when he is in Tallahassee, Derek Rooney will be covering Council meetings for him.

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

A motion to adjourn was duly made and passed.

**12. ADJOURNMENT:** 12:05 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

By: James Boesch  
James Boesch, Mayor