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**APPROVED BY COUNCIL
APRIL 19, 2017**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
Village Council Meeting
April 5, 2017 9:30 a.m.**

1. **OATH OF OFFICE:** Honorable Elisabeth Adams, 20th Judicial Circuit Judge
 - William F. Ribble, Jr. – District 1
 - Howard J. Levitan – District 2
 - Nicholas Batos – District 6
2. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE** - Mayor Batos
3. **INVOCATION:** Pastor Jim Reho – Lamb of God Lutheran Episcopal Church.
4. **ROLL CALL:**
Village Manager Sarkozy provided information received from Councilmember Brown, requesting an excused absence.

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.

Mayor Batos stated that it has been an honor to have been elected as the first Mayor of the Village and serving the residents for the last two years, and spoke to the history of incorporation of the Village as well as his belief that the Council, along with staff, have exceeded the commitments and expectations made to the community three years ago. He said that he looked forward to serving out his newly-elected term and that he has decided to not offer his name for Mayor or Vice Mayor.

Vice Mayor Levitan spoke regarding the role of the ceremonial Mayor as defined in the Village charter, a particular choice made by those who drafted the charter. He added that everyone sitting at the dais today had the ability to serve as Mayor of Estero, if they chose to do so; he believed that a rotation system by district would be a fairer and much less political way to handle election of the Mayor, allowing as many Councilmembers as possible to serve in this capacity during their terms. He spoke to his and Mayor Batos' service on the Estero Council of Community Leaders (ECCL) with similar capacities as Chair and Vice Chair; he believed it was now time for those who came from ECCL leadership to step down and let others elected to the Council take over. For those reasons and his own personal choice, he would not be a candidate for Mayor or Vice Mayor.

Councilmember Errington conveyed appreciation to Mayor Batos and noted that his name will always be known as the first Mayor of Estero. She believed that, prior to the election of the Mayor, the Council needed to keep the quality of life for Estero in mind. She hoped that the new Mayor would be a person who pursues quality of life; be respected by the community; have a lot of integrity; would be very transparent and would have the respect of the community.

5. ELECTION OF MAYOR:

Councilmember Ribble nominated Councilmember Jim Boesch for Mayor; seconded by Councilmember Wilson. There were no further nominations. Mayor Batos announced that the record would reflect that Councilmember Jim Boesch has been elected Mayor for two years by acclamation.

6. ELECTION OF VICE MAYOR:

Mayor Boesch nominated Councilmember Bill Ribble as Vice Mayor; seconded by Councilmember Levitan. There were no further nominations. Mayor Boesch announced that the record would reflect that Councilmember Bill Ribble has been elected Vice Mayor by unanimous acceptance.

The meeting went into recess at 10:00 a.m. and reconvened at 10:15 a.m.

7. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:

Councilmember Levitan asked that Agenda Item 10 (c) Resolution No. 2017-09 be pulled from the agenda for the time being; SB10 was recently amended and was currently in flux with the legislature.

Motion: Move to approve the agenda as amended, pulling Agenda Item 10 (c).

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Action: Approved the agenda as amended, pulling Agenda Item 10 (c).

Vote:

Aye: Unanimous

Nay:

Abstentions:

8. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Beverly MacNellis, Estero Historic Preservation Citizens Committee (EHPCC), spoke regarding two unanimously-approved motions at the March 20, 2017 EHPCC meeting.

9. CONSENT AGENDA:

- (a) Approval of March 1, 2017 Council Meeting Minutes
- (b) Approval of March 9, 2017 Council Workshop Minutes
- (c) Financial Report for February 28, 2017

Motion: Move to approve the Consent Agenda.

Motion by: Vice Mayor Ribble
Seconded by: Councilmember Batos

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

10. ACTION ITEMS:

- (a) Resolution No. 2017-07 A Resolution of the Village Council of the Village Of Estero, Florida, Appointing Members to the Planning and Zoning Board; Establishing Terms; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2017-07. Village Manager Sarkozy provided a brief explanation of the resolution appointing members to the Planning and Zoning Board.

Questions or Comments: Councilmember Levitan spoke regarding the Board appointments that were made at the March 1, 2017 Council meeting and inquired whether a resolution was necessary. He also noted that the terms stated in the resolution should begin on April 1, 2017, pursuant to Ordinance No. 2015-01. Village Attorney Saunders responded that the resolution was not a legal necessity; however, it memorialized the action taken at the previous meeting. He also stated that the resolution would be changed to indicate that the terms begin on April 1, 2017.

Public Comment: None.

Motion: Move to amend the beginning date of the terms to April 1, 2017 and adopt Resolution No. 2017-07 as amended.

Motion by: Councilmember Levitan
Seconded by: Vice Mayor Ribble

Action: Amended the beginning date of the terms to April 1, 2017 and adopted Resolution No. 2017-07 as amended.

Vote:

Aye: Unanimous (no roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (b) Resolution No. 2017-08 A Resolution of the Village Council of the Village Of Estero, Florida, Appointing Members to the Design Review Board; Establishing Terms; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2017-08. Village Manager Sarkozy provided a brief explanation of the resolution appointing members to the Design Review Board.

Questions or Comments: Councilmember Levitan noted that the same comments from the previous resolution applied to this resolution regarding the term dates.

Motion: Move to amend the beginning date of the terms to April 1, 2017.

Motion by: Councilmember Levitan

Seconded by: Vice Mayor Ribble

Action: Amended the beginning date of the terms to April 1, 2017.

Vote:

Aye: Unanimous (no roll call; Councilmember Brown absent)

Nay:

Abstentions:

Motion: Move to adopt Resolution No. 2017-08 as amended.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Wilson

Action: Adopted Resolution No. 2017-08 as amended.

Vote:

Aye: Unanimous (no roll call; Councilmember Brown absent)

Nay:

Abstentions:

- (c) Resolution No. 2017-09 A Resolution of the Village Council of the Village Of Estero, Florida, Supporting Senate Bill 10 and House Bill 761 Directing the South Florida Water Management District to Begin Land Acquisition, Planning and Design for the Everglades Agricultural Area (EAA) Storage Reservoir Project to Reduce the Harmful Discharges from Lake Okeechobee to the Caloosahatchee and St. Lucie Estuaries; and Providing an Effective Date

Resolution No. 2017-09 was pulled from the agenda.

(d) Fee Reduction as an Incentive in Village Center

Village Manager Sarkozy stated that this agenda item was a result of the March 15, 2017 Council workshop related to the request of the Genova developer. At the workshop, two proposed options were discussed: building permit fee reduction or waiver for indoor (under building) parking and fee reduction or waiver for using a private provider company for building inspections.

Community Development Director Gibbs stated that the fees are set in the fee schedule, which did not include a provision for waivers. She also spoke to the options provided to Council in the Agenda Item Summary Sheet. Director Gibbs noted that parking garages required detailed inspections. She inquired whether fee reductions would be automatic for any project in the Village Center.

Questions or Comments by: Councilmembers Levitan, Errington, Batos, Vice Mayor Ribble and Mayor Boesch. Discussion included the possibility of developing rules for underground parking in the Village Center; incentives to increase open space; potential options; case by case basis; no promises were made to Mr. Wallace regarding fee reductions; the need for Mr. Wallace to use a private provider company for building inspections; staff contacted the county and other cities and found that no one provides fee waivers; concern regarding setting precedent. Council consensus was to table discussion and bring back to the first meeting in May.

11. PUBLIC COMMENT ON NON-AGENDA ITEMS: None.

12. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Vice Mayor Ribble: Reported that he was notified that a developer had not finalized document signing to develop Weeks Fish Camp; he and Village Manager Sarkozy would be meeting with Bonita Springs City Manager Carl Schwing regarding public access to Weeks Fish Camp.

Councilmember Levitan: Addressed concern regarding the agreement with LaRue Planning and Management for the Comprehensive Plan; the agreement was signed in August 2016, the total price was \$269,000, at the end of February approximately \$53,000 has been spent and the Village has not received any deliverables. Mayor Boesch asked that he continue to monitor this and follow up.

Councilmember Errington: Reported on the Charlotte Harbor National Estuary Program meeting that she recently attended and spoke to being highly impressed with the organization.

Councilmember Batos: Spoke regarding emails that he has received from a few Estero residents concerning lack of information on the location of the nearest hospital; he asked that Village Manager Sarkozy speak to the county regarding signage.

Councilmember Wilson: Reported that an agreement has been reached for Estero Springs and that landscaping will be increased. He also reported that the Board of County Commissioners would be holding a hearing on mines today. He inquired whether it

would it be appropriate to set another workshop date for the rules of procedure. There was consensus for the Village Manager to suggest possible dates.

13. VILLAGE ATTORNEY'S REPORT:

Village Attorney Saunders reported on the legislative session in Tallahassee.

14. VILLAGE MANAGER'S REPORT: None.

The meeting went into recess at 11:00 a.m. and reconvened at 11:09.

Adjourn Regular Session and Convene Workshop

15. WORKSHOP ITEMS:

(a) Estero River Boating Committee – Peggy Phillips, Master Naturalist

Peggy Phillips introduced the committee members and provided a PowerPoint Presentation that included an Estero Bay map; list of user groups; survey on number of motorized and non-motorized boats; lack of patrol or policing along the river; challenges along the river include vandalism and drugs; solutions include safety and education, signage along the river and at launch areas, and policing the river; funding sources and partnerships. Ms. Phillips suggested that the Village ask the County for some funding to police the river similar to other cities in the area.

Questions or Comments by: Councilmembers Errington, Levitan, Vice Mayor Ribble, and Mayor Boesch. Discussion included policing the river; concern regarding no wake zone and the need to have Coast Guard approved signage; possibility of the Village entering into an agreement with Lee County Sheriff; suggestion that Ms. Phillips reach out to the Fire Chief regarding river patrol. Mayor Boesch suggested that Ms. Phillips, Councilmember Errington and Village Manager Sarkozy schedule a meeting and, if necessary, come back to council.

Village Manager Sarkozy addressed a reimbursement for Pelican Sound Golf & River Club due to expenses covered for river signage. Council consensus was to place the reimbursement request on an upcoming Council meeting agenda.

(b) Calvin, Giordano and Associates – Follow-up on Performance and Suggestions Regarding Potential Operating Deficit

Representatives of CGA: Chris Giordano, Norm Bruhn, and Sarah Sinatra-Gould

PowerPoint Presentation: organizational chart; methodology for budgeting; building permitting, code compliance, and planning and zoning budgets; staffing for code compliance, planning and zoning, and building permitting departments; and staff turnover in building permitting. Mr. Giordano commented that he believed the new team members were an improvement.

Questions or Comments by: Vice Mayor Ribble, Councilmembers Levitan, Batos, and Mayor Boesch. Discussion included concern with the staff turnover; whether staff was getting paid enough and if they were offered good benefits; whether the employees have experience; concern regarding level of work for planning and zoning services; questions regarding dollar amounts presented; concern regarding reports that are to be delivered to the Village Manager on a monthly basis; and complaints received from contractors and residents.

Mayor Boesch asked that Councilmember Levitan meet with Village Manager Sarkozy, Community Development Director Gibbs, and CGA representatives and come back to Council with a report next month.

A motion to adjourn was duly made and passed.

16. ADJOURNMENT: 12:07 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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