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**APPROVED BY COUNCIL  
JUNE 7, 2017**

**FINAL ACTION AGENDA/MINUTES**

**Village Council Meeting**

**Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
May 3, 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 Frank Brand from First Baptist Church of Estero.

**Roll Call:** Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble, District 1, Councilmember Howard Levitan - District 2, 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 Counsel Nancy Stroud, 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:**

An addition to the agenda was made as agenda item 5 (e) due to the letter of resignation received from Councilmember Brown.

**Motion:** Move to approve the agenda as revised, adding agenda item 5 (e).

**Motion by:** Councilmember Batos

**Seconded by:** Councilmember Wilson

**Action:** Approved the agenda as revised, adding agenda item 5 (e).

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

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

Richard Ferreira, Bonita Springs, regarding Naples Community Hospital and Lee Health  
Joe Miceli, Naples Community Hospital

**4. CONSENT AGENDA:**

(a) Approval of April 19, 2017 Council Meeting Minutes

(b) Financial Report for March 31, 2017

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

**Motion by:** Councilmember Levitan

**Seconded by:** Vice Mayor Ribble

**Action:** Approved the Consent Agenda.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

**5. ACTION ITEMS:**

(a) Proposed Lease Amendment

Village Manager Sarkozy reviewed information presented at the April 19, 2017 Council meeting related to the consideration of terms of the proposed lease amendment for the remaining portions of the second floor at Village Hall. Due to required capital improvements, a one-time capital expense may cost up to \$150,000 with \$50,000 to be reimbursed by the landlord; upon reaching full rental responsibilities, the Village would be responsible for approximately \$75,000 additionally each year, plus inflation growth, thereafter.

**Public Comment:** None.

**Motion:** Move to approve the proposed lease amendment.

**Motion by:** Vice Mayor Ribble

**Seconded by:** Councilmember Wilson

**Questions or Comments:** Vice Mayor Ribble.

Brief discussion followed regarding capital improvements and not proceeding until bids were received.

**Action:** Approved the proposed lease amendment.

**Vote:**

Aye: Unanimous (roll call vote)

Nay:

Abstentions:

**(b) Liaison Assignments to Outside Organizations and Areas of Strategic Concern**

Village Manager Sarkozy briefly reviewed discussion from the April 24, 2017 Council organizational business meeting.

Councilmember Wilson requested that East Corkscrew Road Issues be added to his assignments. Councilmember Levitan requested that Calvin, Giordano & Associates be included with his Community Development area of strategic concern.

District 3 assignments were discussed, including adding a Lee Health liaison assignment. Lee Health was added to Councilmember Batos' assignments and consensus was to re-balance the liaison assignments list after appointment of a new District 3 Councilmember.

**Public Comment:** None.

**Motion:** Move to adopt the Village Council Liaison Assignments and Areas of Strategic Concern as revised.

**Motion by:** Vice Mayor Ribble

**Seconded by:** Councilmember Batos

**Action:** Adopted the Village Council Liaison Assignments and Areas of Strategic Concern as revised.

**Vote:**

Aye: Unanimous (roll call vote)

Nay:

Abstentions:

**(c) Fee Reduction as an Incentive in Village Center**

Resolution No. 2017-11 A Resolution of the Village Council of the Village of Estero, Florida, Amending Building Fees for the Review of Commercial Projects in the Village Center with Indoor Parking Provided Under Buildings; Amending Resolution No. 2015-68; and Providing an Effective Date

Village Manager Sarkozy provided explanation of the resolution, which was a result of the April 5, 2017 Council discussion and review of various options to provide a building permit fee reduction for projects located in the Village Center. Community Development Director Gibbs reviewed that Council requested staff come back with a limited incentive; staff suggested that the building permit fee for multiple-family projects (minimum 3 stories over parking) be reduced 50%, from 30 cents per square foot to 15 cents per square foot, for the parking area under the buildings; not the entire project.

Discussion ensued regarding qualified parking areas, which must be indoors, under the building. The note under Section 2 of the resolution was amended to read: "Note: In the Village Center, for new construction of multiple-family buildings with a minimum of 3 stories over parking, the rate for the area of enclosed parking under buildings will be calculated at \$0.15 per square foot. To qualify, all parking must be under the buildings, excluding guest, or clubhouse/amenity parking which may be located outdoors. Open space must still meet the minimum required by the LDC."

**Public Comment:**

Jim Wallace, Genova, addressed concern regarding the low reduction amount.

Village Clerk Hall read the title of Resolution No. 2017-11.

**Motion:** Move to adopt Resolution No. 2017-11, as amended.

**Motion by:** Councilmember Levitan

**Seconded by:** Councilmember Wilson

**Action:** Adopted Resolution No. 2017-11, as amended.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

- (d) Estero Grande Project – Review of Pattern Book for Compliance with Zoning Conditions of Resolution Z-14-028

Village Manager Sarkozy provided a brief introduction. Community Development Director Gibbs referred to the Pattern Book, indicating that it was only the site layout and buildings were not included. She explained the conditions and noted that the Design Review Board reviewed the Pattern Book and recommended approval with additional information.

Steve Hartsell, Pavese Law Firm, stated he believed that Council did not have jurisdiction regarding review of the Pattern Book for compliance with the zoning conditions of the resolution.

Joe McHarris, McHarris Planning and Design, offered a PowerPoint Presentation and reviewed the Pattern Book, and stated that it sets the tone and quality standards for the projects, ensuring quality and consistency. The presentation included: site location; overall design concept; composition and community essence; design standards; composition and design; roof design standards; roof/building design standards; roof/overhangs and soffits; walls/material design standards; colors/material design standards; building design essence standards; material/landscape design standards; landscape buffer diagram; buffers/landscape design standards; interconnectivity standards (added at meeting); pedestrian interface standards; hardscape/lighting design standards; and signage.

Discussion ensued regarding: Village Land Use Attorney Stroud's opinion that the Council has jurisdiction regarding the Pattern Book review for compliance with the resolution; too many choices within the Pattern Book; concern with Spanish Mission architecture; non-consistent with the Comprehensive Plan; inconsistent schedule of uses; possibility of CC&Rs.

Discussion followed regarding the possibility of bringing this back to the next Council meeting. Village Land Use Attorney Stroud explained the advertising process for an ordinance, noting that the earliest meeting date would be late May or early June.

**Motion:** Move to continue the agenda item to May 31, 2017.

**Motion by:** Councilmember Levitan

**Seconded by:** Vice Mayor Ribble

**Questions or Comments:** Councilmember Wilson addressed concern regarding sound. Councilmember Errington conveyed appreciation for Steve Hagenbuckle's honesty and integrity and noted that the Council was expecting a high quality project. Village Attorney Stroud stated that changes to paragraphs 17 and 18 of the zoning resolution would be brought forward (in an ordinance), requiring the Pattern Book prior to construction.

**Public Comment:**

Gary Green, representing Breckenridge  
Joe Miceli, Rookery Pointe  
Don Eslick, ECCL

**Action:** Continued the agenda item to May 31, 2017.

**Vote:**

Aye: Unanimous (roll call)

Nay:

Abstentions:

The meeting went into recess at 11:38 a.m. and reconvened at 11:47 a.m.

**(e) District 3 Councilmember Donald Brown Resignation**

Village Manager Sarkozy referred to a letter of resignation dated April 20, 2017 from Councilmember Brown. Discussion ensued regarding Councilmember Brown's service to the Village.

**Public Comment:** None.

**Motion:** Move to accept Councilmember Brown's resignation with regret.

**Motion by:** Councilmember Batos

**Seconded by:** Councilmember Errington

**Action:** Accepted Councilmember Brown's resignation with regret.

**Vote:**

Aye: Unanimous (roll call vote)

Nay:

Abstentions:

Village Manager Sarkozy spoke to the application process: official newspaper publications and notification through gated communities and other local opportunities, including the Village website; application deadline 5:00 p.m. May 26, 2017; first round of interviews June 7, 2017; one-on-one interviews during the week of June 12, 2017; second round of interviews, Council discussion and appointment of new Councilmember June 21, 2017.

Discussion followed regarding information and questions to be included with the application. Councilmembers were encouraged to submit questions to the Village Manager.

6. **UNFINISHED BUSINESS:** None.

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

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

Vice Mayor Ribble: Addressed a conversation with Gary Israel, Publisher, *Estero Life Magazine*, regarding Council consideration of placing a story in the magazine. Village Manager Sarkozy stated the idea was that the Village purchase a page in the magazine at approximately \$12,000 per year, as one way to get information out about the Village in a high quality magazine. Discussion ensued. Consensus was to place this as an item on the next regular Council meeting agenda for further discussion and vote.

Councilmember Levitan: Will be attending a meeting this Friday with the Comprehensive Plan team.

Councilmember Errington: Reported regarding a recent Charlotte Harbor National Estuary Program meeting that she attended.

Councilmember Batos: Spoke regarding recognition of Councilmembers leaving the Council.

Councilmember Wilson: Reported that the county would be holding a hearing regarding Pepperland Ranch tomorrow.

Mayor Boesch: Reported regarding a recent Metropolitan Planning Organization Executive Committee meeting that he attended.

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

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

## **Adjourn Regular Session and Convene Workshop**

### **11. WORKSHOP ITEMS:**

#### **(a) Joint Unified Local Mitigation Strategy**

Village Manager Sarkozy provided a brief introduction. Fire Chief Scott VanderBrook provided a summary of the 290 page document which is required by FEMA and updated every 5 years.

Brief discussion followed regarding reimbursement of funds.

**Public Comment:** None.

#### **(b) National Flood Insurance Program (NFIP) Update – J.R. Evans Engineering**

Village Manager Sarkozy provided a brief introduction and introduced representatives from J.R. Evans Engineering – Elizabeth Fountain and Jim von Rinteln. A PowerPoint Presentation was offered with the following information: Program background; Phase 1 from 2015 through 2017; Submittals; Phase 2 along with schedule; Class Rating System for Flood Insurance and Potential Savings for the Village; and How the Village Compares to Local Communities.

Brief discussion followed.

**Public Comment:** None.

#### **(c) Bonus Density Program for Land Acquisition**

Village Manager Sarkozy explained that this issue was a holdover from pre-incorporation; Lee County routinely granted bonus density. Community Development Director Gibbs explained that three Estero projects were approved by the county that included bonus density in a rezoning application. The County's bonus density program allows affordable units to be constructed on-site, or provide a payment in lieu of constructing units on-site to be placed in an affordable housing fund. The Village's land use attorney prepared a memo opining that this 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 its program. A second option that had been discussed as an alternative was establishing a bonus density program for land acquisition to provide future opportunities for land preservation, recreation, open space, or similar needs. If the Council decided to pursue this option, an ordinance would require public hearings at the Planning and Zoning Board and Council. A draft ordinance was included for Council consideration.

Discussion ensued including whether the Village had the authority to not do it at all; vested rights; and benefits to the Village and the developers.

**Public Comment:**

Kent Levenson, representing Estero Grande  
Steve Hartsell, Pavese Law Firm

Ed Weil, Rookery Pointe  
Gary Green, representing Breckenridge  
Paul Roberts, Downtown Estero project

Mayor Boesch asked that Councilmember Levitan work with Village Land Use Attorney Stroud on vested rights and bonus density. Brief discussion followed regarding the draft ordinance.

A motion to adjourn was duly made and passed.

**12. ADJOURNMENT: 1:17 p.m.**

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

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