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**APPROVED BY COUNCIL
NOVEMBER 15, 2017**

FINAL ACTION AGENDA/MINUTES

Village Council Special Meeting

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
September 26, 2017 5:30 p.m.**

- 1. OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

Call to Order: 5:31 p.m.

Pledge of Allegiance: Led by Mayor Boesch

Invocation: Offered by Pastor James Reho from Lamb of God Lutheran Episcopal Church

Roll Call: Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble - District 1, Councilmember Howard Levitan - District 2, Jon McLain - District 3, Councilmember Katy Errington - District 4, Councilmember Nick Batos - District 6 (via teleconference), and Councilmember Jim Wilson - District 7.

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.

Motion: Move to approve Councilmember Batos to participate in the meeting via teleconference.

Motion by: Councilmember Wilson

Seconded by: Vice Mayor Ribble

Action: Approved Councilmember Batos to participate in the meeting via teleconference.

Vote:

Aye: Unanimous

Nay:

Abstentions:

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:

Motion: Move that Agenda Item 10(a) - Council Rules of Procedure Workshop be moved to Agenda Item 5(c) under Action Items.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Levitan

Action: Agenda Item 10(a) - Council Rules of Procedure Workshop was moved to Agenda Item 5(c) under Action Items.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

Motion: Move to approve the agenda as amended.

Motion by: Councilmember Errington

Seconded by: Councilmember McLain

Action: Approved the agenda as amended.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Gary Green, Breckenridge, spoke to a letter he presented to Council supporting Barry Freedman's comments related to the aftermath of issues his community is dealing with, as well as Council considering at least an emergency moratorium on approving all commercial development until the Comprehensive Plan has been approved and all traffic and other studies have been released.

Garth Errington, Breckenridge, spoke regarding a Master Association's meeting that he attended recently that addressed how to be better prepared for the future; offered compliments to the Village Manager, staff, and Councilmembers that worked hard during Hurricane Irma; a wish for more public attendance and public comments at Village Council meetings; and the opportunity provided to the citizens to view live-streamed meetings online.

Judy Freedman, The Vines, spoke regarding attendance at the recent Friends of the River Oaks Park Preserve event.

Barry Freedman, The Vines, spoke to the possibility of the Village purchasing River Oaks Park; offered appreciation to the Village Manager and staff regarding speaking with railroad officials.

4. PUBLIC HEARINGS:

- (a) Resolution No. 2017-24 A Resolution of the Village of Estero, Lee County, Florida, Adopting the Tentative Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2017-2018; Establishing the Date, Time and Place for a Final Hearing to Adopt the Final Ad Valorem Taxes for Fiscal Year 2017-2018; and Providing an Effective Date

Mayor Boesch opened the public hearing. Resolution No. 2017-24 was read in its entirety by Village Clerk Hall.

Village Manager Sarkozy provided an explanation of the resolution and brief discussion followed. Second and final hearing will be held on October 4, 2017.

Questions or Comments: Councilmember Wilson inquired regarding costs for hurricane cleanup; Village Manager Sarkozy responded that the Village probably would not have that information for approximately six months. Mayor Boesch noted that the Village had the lowest tax rate in Lee County, at 0.7998 mills.

Public Comment: None.

Motion: Move to adopt Resolution No. 2017-24.

Motion by: Councilmember Levitan

Seconded by: Vice Mayor Ribble

Action: Adopted Resolution No. 2017-24.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (b) Resolution No. 2017-25 A Resolution of the Village of Estero, Lee County, Florida, Adopting the Tentative Budget for Fiscal Year 2017-2018; and Providing an Effective Date

Mayor Boesch opened the public hearing. Resolution No. 2017-25 was read in its entirety by Village Clerk Hall. Village Manager Sarkozy provided an explanation of the resolution. Second and final hearing will be held on October 4, 2017.

Public Comment: None.

Motion: Move to adopt Resolution No. 2017-25.

Motion by: Councilmember Wilson

Seconded by: Councilmember McLain

Action: Adopted Resolution No. 2017-25.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

5. ACTION ITEMS:

- (a) Approval of Interlocal Agreement with Lee County for Natural Resources Services

Village Manager Sarkozy provided an explanation of the Interlocal Agreement proposed by Lee County to provide Natural Resources municipal services for fiscal year 2017-2018; service would continue through September 30, 2018.

Questions or Comments: Councilmembers McLain, Levitan, and Mayor Boesch. Discussion included an inquiry regarding what the specific expectations were; the agreement includes the option to end services with a 60-day written notice and staff was urged to move forward at the earliest convenience. Mayor Boesch suggested, for the purposes of the budget, to accept the agreement and the topic could be brought back to Council in the future.

Public Comment: None.

Motion: Move to approve the Interlocal Agreement with Lee County for Natural Resources Services.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Levitan

Action: Approved the Interlocal Agreement with Lee County for Natural Resources Services.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (b) Village Council Liaison Assignments to Outside Organizations and Areas of Strategic Concern

Councilmember Errington stated that she was unhappy that liaison to the Koreshan State Park was taken away from her. She added that, regarding US 41, she wants to be able to be involved with future discussions regarding the maintenance of the sides of US 41 (shoulders, ditches, etc.). It was noted that an FDOT workshop regarding the medians would probably be scheduled later in October. On the liaison assignments list, the word "medians" will be deleted from US 41 and Estero Parkway. Councilmember Batos spoke regarding the DR/GR and believed that all Councilmembers should be open to discuss. He also asked for clarification regarding "open space" in his liaison assignment column and that it should be under parks and recreation; purchasing of land should also be all Council and not just one person. Mayor Boesch responded to DRGR comment regarding

the reason why one person should be designated and not several. Vice Mayor Ribble spoke regarding a meeting with the Village Manager related to approaching Congressman Rooney regarding the railway. He believed that it would be best for Councilmember Batos to be the point person for that topic; Councilmember Batos agreed to be the point person. Regarding open space, the Mayor and Councilmember McLain will decide.

Public Comment:

Beverly MacNellis, Marsh Landing

Motion: Move to adopt the list of Liaison Assignments to Outside Organizations and Areas of Strategic Concern as amended.

Motion by: Councilmember McLain

Seconded by: Councilmember Wilson

Action: Adopted the list of Liaison Assignments to Outside Organizations and Areas of Strategic Concern as amended.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(c) Council Rules of Procedure

Vice Mayor Ribble reviewed that he requested this topic be placed on the agenda due to a concern regarding what he believed to be professional behavior issues that took place at the August 2 Council meeting while he was attending the meeting via teleconference in a public space. He stated that the Council Rules are clear on how Councilmembers are to handle themselves. He added that he spoke with the Village Attorney, who understood an apology would be provided to the Council. Councilmember Levitan believed that, in the heat of an argument, things can happen in meetings; all members are affected when there is a problem and it demeans the Council. He believed that a simple apology should be given to the Council. Councilmember Errington responded that maybe she did get excited; this keeps festering and she believed that the Council should let it go. She also referred to Councilmember Brown's treatment by some members of the Council and the fact that he was never apologized to. Councilmember Errington believed that she did not offend the Council and that an apology was not needed. She noted that she and the Mayor discussed this and that she had asked his forgiveness. She also believed that this should not be part of today's agenda.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Patty Whitehead, Old Estero, spoke regarding Lee County delaying development orders and suggested writing a letter to the state.

7. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Vice Mayor Ribble: (1) Letters from constituents pertaining to failing septic systems. He asked that this topic be scheduled as a workshop. (2) At the Florida League of Cities conference he spoke with representatives of cities that have medical marijuana

distribution centers being developed. (3) The Elks Club is counting on Councilmembers to attend the breakfast on the morning of the Veterans Day event.

Councilmember McLain: (1) Veterans Day event – lunch will be provided for all attendees; he appealed to all persons attending the Council meeting or viewing/listening online that it is important to honor all veterans. He wants to reach out to 5 to 10 veterans to stand up at the event and talk about their bios. (2) Being proactive with flooding issues.

Councilmember Errington: (1) It was reported to her that there was debris in Estero River and the river had sustained some damage to the shorelines. (2) She requested that the Village Council ethics training be moved from FGCU and she wanted the public to be invited as well as live-streaming the training.

Councilmember Wilson: (1) A meeting has been set regarding maintenance of ditches.

Mayor Boesch: (1) The local Mormon Church was assisting with repairs and cleanup caused by Hurricane Irma.

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

9. **VILLAGE MANAGER'S REPORT:**

Village Manager Sarkozy spoke regarding hurricane cleanup efforts and calls received from the public.

Adjourn Regular Session and Convene Workshop

10. **WORKSHOP ITEMS:**

(a) Council Rules of Procedure

Moved to agenda item 5 (c)

A motion to adjourn was made and duly passed.

11. **ADJOURNMENT:** 6:42 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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