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**APPROVED BY COUNCIL
DECEMBER 6, 2017**

FINAL ACTION AGENDA/MINUTES

Village Council Meeting

Village of Estero Council Chambers

9401 Corkscrew Palms Circle

Estero, FL 33928

October 4, 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: 5:30 p.m.

Pledge of Allegiance: Led by Mayor Boesch

Invocation: Pastor Nicholas Weston from River of Life Assembly of God

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, 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, Community Development Director Mary Gibbs, and Development Review Manager Walter McCarthy

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

Motion: Move to approve the agenda.

Motion by: Councilmember Batos

Seconded by: Councilmember McLain

Action: Approved the agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Bill Carr, Riverwoods Plantation, Council Rules of Procedure as related to impropriety of Design Review Board and Planning and Zoning Board.

4. PUBLIC HEARINGS:

- (a) Resolution No. 2017-27 A Resolution of the Village of Estero, Florida, Adopting the Final Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2017-2018; and Providing an Effective Date

Mayor Boesch opened the public hearing and Resolution No. 2017-27 was read in its entirety by Village Clerk Hall.

Village Manager Sarkozy provided an explanation of the resolution, and noted that the budget has been subject to public review; there have been no comments received. He suggested that Council drop the tax rate by 2 cents, to 0.7798

Questions or Comments: Councilmember Levitan.

Public Comment: None.

Motion: Move to adopt Resolution No. 2017-27 as amended, with a final ad valorem operating millage rate of 0.7798 mills.

Motion by: Vice Mayor Ribble
Seconded by: Councilmember Wilson

Action: Adopted Resolution No. 2017-27 as amended, with a final ad valorem operating millage rate of 0.7798 mills, at 5:39 p.m.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (b) Resolution No. 2017-28 A Resolution of the Village of Estero, Florida, Adopting the Final Budget for Fiscal Year 2017-2018; and Providing an Effective Date

Mayor Boesch opened the public hearing and Resolution No. 2017-28 was read in its entirety by Village Clerk Hall.

Village Manager Sarkozy provided an explanation of the resolution and noted that the budget provides plenty of latitude and flexibility as the Council sees fit. He also spoke regarding costs due to Hurricane Irma.

Questions or Comments: Councilmember Batos.

Public Comment: None.

Motion: Move to adopt Resolution No. 2017-28.

Motion by: Councilmember Errington

Seconded by: Vice Mayor Ribble

Action: Adopted Resolution No. 2017-28, at 5:43 p.m.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

5. ORDINANCE SECOND READINGS AND PUBLIC HEARINGS:

- (a) Ordinance No. 2017-07 An Ordinance of the Village Council of the Village of Estero, Florida, Establishing Procedures for the Declaration of a State of Local Emergency; Providing Definitions; Purpose and Intent; Authority to Declare a State of Local Emergency; Method of Declaring and Terminating a State of Local Emergency; Authority of Village Council; Effect of Declaration of a State of Local Emergency; Prohibitions During Declared State of Local Emergency; Access to Emergency Preparedness Fund; Penalties for Violations; Repeal of Prior Ordinances; Conflict and Severability; and Effective Date

The title of Ordinance No. 2017-07 was read by Village Clerk Hall. Mayor Boesch asked whether the ordinance had been properly advertised; Village Clerk Hall responded affirmatively. Village Manager Sarkozy provided an overview of the ordinance. Assistant to the Village Manager, Kyle Coleman, explained why staff recommended that the ordinance be tabled to allow for review by experts.

Public Comment: None.

Motion: Move to table Ordinance No. 2017-07 indefinitely.

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Action: Ordinance No. 2017-07 was tabled indefinitely.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

- (b) Ordinance No. 2017-08 An Ordinance of the Village Council of the Village of Estero, Florida, Providing for and Approving the Authority of the Mayor to Extend Participation in Interlocal Agreement with Lee County for the Continuation of the University Landscaping Operation and Maintenance Special Improvement Unit to Provide an Enhanced Level of Landscaping along Certain Portions of Corkscrew Road, Estero Parkway and Ben Hill Griffin Parkway within the Village Limits; Providing for an Extended Term and an Effective Date

The title of Ordinance No. 2017-08 was read by Village Clerk Hall. Mayor Boesch asked whether the ordinance had been properly advertised; Village Clerk Hall responded affirmatively. Village Manager Sarkozy provided an explanation of the ordinance, and noted that this was on a year to year basis. He also noted that a request was received from the Tidewater residents to remove the assessment from the tax rolls and allow for the Homeowner's Association to pick up the cost rather than the individual lots; an amendment would be presented to the Council in the next several months.

Questions or Comments: Councilmembers Levitan, McLain, and Wilson. Discussion included whether Lee County would go along with the Homeowner's Association picking up the cost; landscaping impacts from the recent hurricane and whether downed trees would be replaced; obtaining a copy of the budget to make certain the Village portion was getting a good pro-rata share; brief discussion related to Grandezza, Miromar, and Gulf Coast Town Center.

Public Comment: None.

Motion: Move to adopt Ordinance No. 2017-08.

Motion by: Councilmember Wilson
Seconded by: Vice Mayor Ribble

Action: Adopted Ordinance No. 2017-08.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

6. ORDINANCE FIRST READING:

- (a)** Park Place of Estero (DCI2017-E002) – Amendment to Residential Planned Development

Ordinance No. 2017-09 An Ordinance of the Village Council of the Village of Estero, Florida, Approving with Conditions an Amendment to a Residential Planned Development with Deviations to Allow a Reconfiguration of the Master Concept Plan for Property Located at 9400 Block Lane Consisting of Approximately 5 Acres; Providing for Severability; and Providing an Effective Date

The title of Ordinance No. 2017-09 was read by Village Clerk Hall. Community Development Director Gibbs provided a brief explanation of the ordinance, a request for an amendment to a Residential Planned Development with deviations for a 5-acre site located on Block Lane off River Ranch Road. The property was rezoned by Lee County for a residential subdivision with 26 single family lots; the applicant is amending the plan for 16 single family lots and a different configuration.

Questions or Comments: Councilmembers McLain, Levitan, Errington, and Mayor Boesch. Discussion included the need for a drainage plan and road elevation information; buffer on the west side of the property; the lack of sidewalks; request for

deviation is problematic; concern regarding heritage trees and large oak tree; maximum property coverage; density will be reduced substantially and will be better than what Lee County approved.

Public Comment: None.

Motion: Move to pass first reading of Ordinance No. 2017-09.

Motion by: Councilmember Levitan
Seconded by: Councilmember Errington

Action: Passed first reading of Ordinance No. 2017-09.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

7. ACTION ITEMS:

- (a) Resolution No. 2017-29 A Resolution of the Village Council of the Village of Estero, Florida Approving the University Highland Parcel 10 Re-Plat; and Providing an Effective Date

The title of Resolution No. 2017-29 was read by Village Clerk Hall. Development Review Manager McCarthy provided an explanation of the request for replat to reconfigure tract 10 at University Highland to create two tracts; Tract 10A containing 1.20 acres and Tract 10B containing 6.37 acres. It was noted that the Planning and Zoning Board recommended approval.

Information provided by:

David Hurst, Peninsula Engineering, provided an explanation regarding drainage the increased water storage by adding substantially to the lake.

Al Moscato, UHLP, stated that their development would be beyond the standards and noted that a decision for the replat at this meeting does not allow going forward; there were additional steps to the process.

Questions or Comments: Councilmembers Batos, Levitan, McLain, Wilson, Errington, Vice Mayor Ribble and Mayor Boesch. Discussion included access from interior road; inquiry regarding flooding in Tiberon; concern regarding impervious surfaces; elevation of buildings and roads; stormwater management; concern regarding infrastructure; flooding from Grandezza; and recommendation from staff.

Public Comment: None.

Motion: Move to adopt Resolution No. 2017-29.

Motion by: Councilmember Levitan
Seconded by: Councilmember Wilson

Action: Adopted Resolution No. 2017-29.

Vote: (Roll call vote)

Aye: Councilmembers Levitan, Batos, Wilson, and Mayor Boesch

Nay: Councilmembers McLain, Errington, and Vice Mayor Ribble

Abstentions:

- (b) Resolution No. 2017-30 A Resolution of the Village Council of the Village of Estero, Florida Approving the City Mattress Re-Plat; and Providing an Effective Date

The title of Resolution No. 2017-29 was read by Village Clerk Hall. Development Review Manager McCarthy provided an explanation regarding the re-plat to reconfigure the common lot line between existing Lots 2A-1 and 2A-2 located within the Coconut Point Area 2 for construction of a retail furniture store on Lot 2A-1 next to City Mattress. Lot 2A-1 will be decreased in area from 2.14 acres to 1.74 acres and Lot 2A-2 will be increased in area from 1.23 acres to 1.63 acres. Lot 2A-2 is currently occupied by the City Mattress Building and Lot 2A-1 is vacant.

Information provided by:

Brent Addison, Grady Minor Engineering, explained that the request was to move the line over on the existing two parcels.

Walter Irmen, representing City Mattress, clarified that the green space was being increased.

Questions or Comments: Councilmembers Levitan, Batos, and McLain.

Public Comment: None.

Motion: Move to adopt Resolution No. 2017-29.

Motion by: Councilmember Levitan

Seconded by: Vice Mayor Ribble

Action: Adopted Resolution No. 2017-29.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

8. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Peter Dersley, Grandezza, stormwater

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Vice Mayor Ribble: Provided information related to Weeks Fish Camp; a trip to Washington, D.C., including meetings with Senators Rubio and Nelson, through Florida League of Cities (working with National League of Cities); topics will cover FEMA

obligations, review of a three year return of reimbursements for municipalities, and the National Flood Insurance Program.

Councilmember Levitan: Addressed concern regarding the recent storms and flooding, along with the stormwater master plan that will not be completed, reviewed and adopted for quite some time. He requested that the topic of a moratorium be placed on the next available agenda.

Councilmember McLain: Addressed lift stations in the communities that were on the edge of overflowing due to power outages during the recent hurricane and pump stations and electrical boxes that are in disrepair. He recommended that the Village work with Lee County and take the necessary steps to correct the issues.

Councilmember Errington: Summarized a report prepared by Peggy Phillips regarding the status of the Estero River since the hurricane. She also requested that a workshop be scheduled to discuss the needs of the river.

Councilmember Batos: Recalled that the Village was paying the county for natural resources that would include the Estero River. Report regarding Lee Health new construction.

Councilmember Wilson: Thanked the Council for lowering the millage rate by 2 cents.

10. VILLAGE ATTORNEY'S REPORT: None.

11. VILLAGE MANAGER'S REPORT:

Village Manager Sarkozy spoke regarding 38 trees along Estero River that were knocked over as a result of the hurricane.

Adjourn Regular Session and Convene Workshop

The meeting went into recess at 7:29 p.m. and reconvened at 7:38 p.m.

12. WORKSHOP ITEMS:

(a) Florida Department of Transportation (FDOT): I-75 and Corkscrew Interim Improvements

Florida Department of Transportation (FDOT) representatives provided a presentation regarding pending improvements to the Interstate 75 interchange that will begin construction during the spring of 2019. These interim improvements are expected to provide a more efficient experience for Estero drivers by reducing traffic backups and keeping the interchange at an acceptable level of service through year 2029 or beyond.

Questions or Comments: Mayor Boesch and Councilmembers Wilson and Levitan. Discussion included an inquiry whether they would be ready for the 2040 plan; an inquiry regarding other portions of the roadway that are under Lee County jurisdiction; swales that flow into the culverts and the importance of culvert maintenance.

Public Comment:

JJ Basso, Grandezza

Peter Dersley, Grandezza

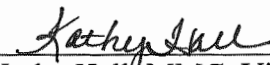
Robert King, Bella Terra, ECCL and East Corkscrew Alliance

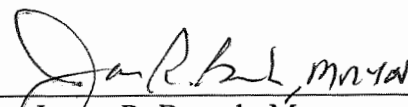
A motion to adjourn was made and duly passed.

13. ADJOURNMENT: 8:21 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: 
Kathy Hall, MMC, Village Clerk

By: 
James R. Boesch, Mayor