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**APPROVED BY COUNCIL
APRIL 4, 2018**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

Village of Estero Council Chambers

9401 Corkscrew Palms Circle

Estero, FL 33928

March 7, 2018 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 Councilmember Batos.

Invocation: Pastor Tim Carson from Estero United Methodist Church.

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

Also present: Assistant Village Attorney Derek Rooney, Village Land Use Attorney Nancy Stroud, Assistant to Village Manager Kyle Coleman, Finance Director Lisa Roberson, Community Development Director Mary Gibbs, and Village Clerk Kathy Hall. (Village Manager Sarkozy was absent)

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

Motion: Move to approve the agenda.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Errington

Action: Approved the agenda.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

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

4. PROCLAMATIONS:

Note: This agenda item was addressed immediately following roll call.

- Cody Hutcheson – Cambridge Award – Presented by Mayor Boesch
- Jessica Walsh – Cambridge Award – Presented by Vice Mayor Ribble
- Estero High School – Students recognized by Cambridge Assessment International Education – Presented by Councilmember Batos

Principal Clayton Simmons and Teachers Nancy Foley and Bonnie Gedney were also in attendance.

5. CONSENT AGENDA:

(a) Financial Report for month ended January, 2018

(b) February 21, 2018 Council Meeting Minutes

Finance Director Roberson provided an explanation of a format change to the report; a Year-to-Date column was added, indicating a comparison of last year to the current year.

Public Comment: None.

Council Questions or Comments: None.

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

**6. ZONING AMENDMENT FOR SHOPPES AT COCONUT TRACE
COMMERCIAL PLANNED DEVELOPMENT TRACTS C AND D (NCH) -
ORDINANCE FIRST READING:**

Ordinance No. 2018-02 An Ordinance of the Village of Estero, Florida, (Approving) (Denying) Zoning Amendments and (Approving) (Denying) a Building Height Deviation for Tracts C and D Within the Shoppes at Coconut Trace Commercial Planned Development for Property Located at 22951 and 22961 Lyden Drive in the Village of Estero, Florida and Comprising Approximately 3.54 Acres; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mayor Boesch introduced the ordinance and stated that the second reading and public hearing would take place on March 21, 2018, at which time public comments would be permitted. The title of Ordinance No. 2018-02 was read by Village Clerk Hall.

Community Development Director Gibbs provided a brief description of the project location and the request. She noted that the Planning and Zoning Board held a public hearing on January 16, 2018, which resulted in a Planning and Zoning Board unanimous decision to recommend that Council deny the requested amendment.

Village Land Use Attorney Stroud spoke to discussion regarding a possible concern by the applicant that ex parte disclosure was inadvertently incomplete at the Planning and Zoning Board January 16, 2018 public hearing. She added that if representatives of NCH believed there was some prejudice, the remedy would be to bring it back to the Planning and Zoning Board to allow for full disclosure. When asked whether NCH had a concern regarding full disclosure, Richard Grant, Esq., responded that, to his knowledge, they had not raised any question about disclosure and had no reason to question what happened at the Planning and Zoning Board meeting.

Motion: Move to pass first reading of Ordinance No. 2018-02 and confirm second reading/public hearing for March 21, 2018.

Motion by: Councilmember Batos

Seconded by: Councilmember McLain

Action: Passed first reading of Ordinance No. 2018-02 and confirmed second reading/public hearing for March 21, 2018.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

7. ACTION ITEMS:

- (a)** Resolution No. 2018-05 A Resolution of the Village Council of the Village of Estero, Adopting the Premium Only Plan Cafeteria Plan; and Providing an Effective Date

The title of Resolution No. 2018-05 was read by Village Clerk Hall. Finance Director Roberson provided an explanation of the plan which will allow insurance premiums to be withheld from salaries on a pre-tax basis. The plan, administered by Automatic Data Processing (ADP), will save the Village and employees payroll taxes including social security, medicare, and federal income taxes. The cost to the Village is \$350 annually with an initial setup fee of \$250.

Questions or Comments: None.

Public Comment: None.

Motion: Move to adopt Resolution No. 2018-05 Adopting the Premium Only Plan Cafeteria Plan; and Providing an Effective Date.

Motion by: Councilmember Errington

Seconded by: Vice Mayor Ribble

Action: Adopted Resolution No. 2018-05 Adopting the Premium Only Plan Cafeteria Plan; and Providing an Effective Date.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

(b) Agreement for Election Services between the Village of Estero and Tommy Doyle, Supervisor of Elections of Lee County, Florida

Assistant Village Attorney Rooney provided an explanation of the agreement. He noted that this was just a service agreement; at some time in the future the Council would need to make some other decisions including early voting.

Questions or Comments: Councilmembers Levitan, Errington and Mayor Boesch. Discussion included items that were previously discussed with the former Supervisor of Elections, such as quality standards; whether a recent bill moving through the legislature would affect the Village's 2019 election if it passed; and vote by mail.

Public Comment: None.

Motion: Move to approve the agreement for Election Services with Tommy Doyle, Supervisor of Elections of Lee County, Florida, a sole source provider.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember McLain

Action: Approved the agreement for Election Services with Tommy Doyle, Supervisor of Elections of Lee County, Florida, a sole source provider.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

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

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

Councilmember Wilson: Attended an East Corkscrew Alliance informational meeting recently; items under discussion were helping to alleviate mine operations and meeting with Commissioner Kiker in the near future regarding Corkscrew Road.

Councilmember Batos: The Estero High School Varsity Girls Soccer Team will be attending the Village third anniversary party on March 16 to accept a proclamation for their participation in the State final.

Councilmember Errington: (1) Conveyed appreciation to the teachers who dedicate time and effort to help students to succeed. (2) The Estero Rotary Club planted 42 trees in Estero Park, as approved by Lee County. The trees represent the 42 club members.

Councilmember McLain: (1) Estero Parkway update: meetings were held with HOA presidents and staff; reviewed preliminary plans for the roadway surface; constructive comments were received. Presentations have been modified for The Reserve and The Cascades for town hall meetings with each development to discuss options to be considered for the road, including roundabout, no left-hand turns, and signals; comments received will be brought back to Council. (2) Veterans Day celebration will be held on Sunday, November 11 from 4:00 p.m. until 6:00 p.m.; Sunday afternoon picnic in the park theme. He presented a preliminary ad to be run in *Gulf Coast* magazine. He proposed Council's help in supporting the Gulf Coast Harmonizers (they do not require payment for their attendance at the event) and recommended a full-page color ad at a cost of \$500; he indicated that there may be another \$100 for the artwork. There was consensus to move forward with the expenditure. Councilmember Ribble indicated that he would speak with Elks Club representatives regarding the Veterans Day breakfast.

Councilmember Levitan: (1) Regarding the topic of tree protection that came up at a previous Council meeting, he has had discussions with Community Development staff and was replacing the idea of a moratorium with revising the Land Development Code. He will be asking Land Use Counsel Nancy Stroud to prepare an ordinance. In response to an inquiry from Councilmember Batos regarding sending a letter to each of the communities, he said that research by Community Development Director Gibbs and Land Use Counsel Stroud found that single family homeowners were exempt from obtaining a permit. (2) He asked Councilmember's help with code enforcement related to the banners flying in the Village, especially on weekends; since all Councilmembers see them and were aware, they could inform code enforcement staff. He also asked that Marilyn Edwards provide awareness on the website as well. (3) He noted that an impact fees workshop was being planned and provided brief comments.

Mayor Boesch: (1) Reported that Vice Mayor Ribble would be attending the Walk MS: Estero event and presenting a proclamation this weekend on his behalf. (2) Noted that Pastor Nolen Rollins inquired whether the Village would be willing to pay \$1,000 for the port-a-potties at the Village third anniversary party on March 16. (3) Spoke briefly regarding scheduling an Estero Forever workshop.

Councilmember Errington inquired regarding the timeline of the US 41 lights being operational. Kyle Coleman, Assistant to the Village Manager, responded within the next month.

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

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

Adjourn Regular Session and Convene Workshop

11. WORKSHOP ITEMS:

- (a) Proposed Memorandum of Understanding (MOU) between Village of Estero and School District of Lee County

Mayor Boesch provided an overview of the Memorandum of Understanding.

Christine Patricca, District 3 Lee County School District Board Member, stated that she believed this agreement would increase the number of students that the Council would see in front of them each year. She was hopeful to get the community more involved with Estero schools, which would ultimately benefit the students as well as the community. She noted that the agreement provides the opportunity to not just become part of the foundation of the Village of Estero, but to also make sure that this relationship lasts a long time; it is important for this relationship to continue. She added that it was not just about the students, it was also about co-use of facilities and getting the community involved in education and excited about the educational opportunities that are in Estero. In closing, she added that, in moving forward, they intend to change the MOU to benefit the Council, the people of Estero, and the students in the school district. They want Council's input on the academic programs in Estero and on the best location for the new schools they intend to build in Estero.

Questions or Comments: Vice Mayor Ribble spoke to his previous work with school districts, and noted the need for 49% top/down support and 51% bottom/up support (parents, students and PTA). He also suggested changing the word "volunteers" to "ambassadors." Mayor Boesch suggested that the School District invite Vice Mayor Ribble to be involved in discussions due to his experience. Councilmember Batos expressed appreciation to all involved for their willingness to work on the MOU. He stated that the MOU was intentionally vague and covered generalities. He added that, in proceeding through the process, we are going to come up with specifics and anything that involves expenditures will come back to the Council.

Public Comment:

Richard Tarin, The Reserve, inquired regarding the workshops at The Reserve and The Cascades. He also addressed concern relating to the Estero Grande project that he raised at a previous Council meeting regarding safety along US 41 coming down to Estero Parkway where there was nothing to keep drivers from continuing through the traffic light and enter the site. Community Development Director Gibb stated that she would ask Public Works staff to have a look at it.

A motion to adjourn was made and duly passed.

12. ADJOURNMENT: 10:44 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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