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**APPROVED BY COUNCIL  
SEPTEMBER 5, 2018**

## **FINAL ACTION AGENDA/MINUTES**

### **VILLAGE COUNCIL MEETING**

**Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
June 13, 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 Mayor Boesch.

**Invocation:** Pastor John Roth from Thrive Community 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: Village Manager Steve Sarkozy, Village Land Use Attorney Nancy Stroud, Community Development Director Mary Gibbs, Assistant to Village Manager Kyle Coleman, and Village Clerk Kathy Hall.

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

**Motion:** Move to approve the agenda and to suspend the Council rules in order to allow public hearing testimony for 5 minutes rather than 3 minutes.

**Motion by:** Councilmember Wilson

**Seconded by:** Councilmember Errington

**Action:** Approved the agenda and suspended the Council rules in order to allow public hearing testimony for 5 minutes rather than 3 minutes.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**3. PRESENTATION: Kevin Ruane, City of Sanibel Mayor – Lake Okeechobee Releases**

Mayor Ruane spoke regarding the Caloosahatchee Watershed Issues white paper; recent storm activity increasing the level at the lake; water quantity and water quality; projects that are 10 years away; the outdated dike; the Lake Okeechobee and Caloosahatchee Call for Action & Update June 6, 2018; and his request that Lee County mayors come together on the call for action. Mayor Ruane noted that a letter would be drafted by James Evans, Sanibel Director of Natural Resources, for the Lee County mayors to sign. Brief discussion followed.

**Motion:** Move to agree that Mayor Boesch be permitted to sign the letter prepared by James Evans, Sanibel Director of Natural Resources.

**Motion by:** Councilmember Batos

**Seconded by:** Councilmember McLain

**Action:** Agreed that Mayor Boesch be permitted to sign the letter prepared by James Evans, Sanibel Director of Natural Resources.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

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

**5. SECOND READING OF ORDINANCE NO. 2018-01 AND COMPREHENSIVE PLAN PUBLIC HEARING:**

Ordinance No. 2018-01 An Ordinance of the Village Council of the Village of Estero, Florida, Adopting the Village of Estero Comprehensive Plan as Provided on Attachment “A” Made a Part Hereof; Providing for Repeal of the Village Transitional Comprehensive Plan; Providing for Transmittal of the Comprehensive Plan to the State of Florida and Other Commenting Agencies as Required by Statute; Providing for Severability; Providing for Conflicts; and Providing an Effective Date

Mayor Boesch introduced the hearing; the title of Ordinance No. 2018-01 was read by Village Clerk Hall; in response to an inquiry regarding whether the ordinance had been properly advertised, Village Clerk Hall responded affirmatively.

Community Development Director Gibbs reviewed the background of the process and spoke to the comments received from the state. Since the letter was received, the consultants have had conversations with the staff in Tallahassee; gone through the recommendations; and numerous revisions have been made. Ms. Gibbs noted that staff believed they have addressed the concerns; she also provided a description of the documents Council received in their packet, and addressed the response to the State Department of Economic Opportunity (DEO), comments from the state, as well a letter from Lewis Longman Walker, which she did not agree with.

**Questions or Comments:** Councilmembers Batos, Errington, Levitan, and Mayor Boesch. Discussion included Transportation, Conservation and Coastal Management,

and an explanation of the supplemental information distributed to Council in the “desk packet” that included wording modifications made since the Council received the Comprehensive Plan.

**Public Comment:**

Tara Duhy, representing Argo Corkscrew Crossing, LP, referred to her letter dated June 12, 2018, requested that the letter be entered into the record, noted communications that were submitted with the June 12, 2018 letter and stated that comments submitted within the communications were insufficiently addressed.

**Questions or Comments:** Councilmembers Levitan, Errington, Vice Mayor Ribble, and Mayor Boesch. Discussion included an inquiry whether there were provisions that would impact Ms. Duhy’s client specifically, i.e., vested rights and density; previous comments from their client have been taken into consideration; requirement to file the Comprehensive Plan with the state in a certain amount of time; inquiry regarding why they have not brought up concerns with individual Council members; and the Council’s commitment to transparency.

Don Eslick, ECCL, noted that communities have had the opportunity to provide input; three ECCL committees have offered comments and suggestions; and the process has been open.

Robert King, Bella Terra, offered appreciation to Council and staff.

**Questions or Comments:** Councilmembers Wilson and Levitan. Discussion included staff and Land Use Counsel Stroud taking a lot of time going through submitted comments; description of the state process and several lengthy conversations with the state DEO; it was believed that staff made a good faith effort to create a plan that was predictable; the land development code was not being written into the Comprehensive Plan; examples from the county and cities were studied while being true to what Estero and its citizens wanted; this was a long, detailed process and the Village allowed input; and there was only one developer being represented at this meeting.

**Motion:** Move to adopt Ordinance No. 2018-01, adopting the Village of Estero Comprehensive Plan with the proposed revisions.

**Motion by:** Councilmember Levitan

**Seconded by:** Vice Mayor Ribble

**Action:** Adopted Ordinance No. 2018-01, adopting the Village of Estero Comprehensive Plan with the proposed revisions.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**6. ADJOURNMENT:** 10:38 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

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