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**APPROVED BY COUNCIL
OCTOBER 3, 2018**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
July 11, 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: Assistant 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, 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 Attorney Burt Saunders, Assistant to Village Manager Kyle Coleman, Public Works Director David Willems, Finance Director Lisa Roberson, Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

RECOGNITION:

Government Finance Officers Association Distinguished Budget Presentation Award to the Village of Estero and Certificate of Recognition for Budget Preparation to Lisa Griggs Roberson, Finance Director

Mayor Boesch provided an explanation regarding the award that was presented to Village Finance Director Lisa Roberson. Village Manager Sarkozy noted that the award was something that had to be pursued.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:

Motion: Move to approve the agenda.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Batos

Action: Approved the agenda.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Joe Miceli, Rookery Pointe, spoke regarding Estero Parkway paving; School Resource Officers; and suggested that the Village consider its own police department.

Tom Boos, Country Creek, addressed an issue with drainage. It was suggested that he speak with the Public Works Director.

Comments by: Mayor Boesch spoke regarding "Government Lite."

4. CONSENT AGENDA:

(a) Financial Report for Month Ended May 31, 2018

(b) May 2, 2018 Council Meeting Minutes

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:

5. ACTION ITEMS:

(a) Resolution No. 2018-08 A Resolution of the Village Council of the Village of Estero, Florida, Honoring Fifty Years of Municipal Home Rule in the Florida Constitution and Committing to an Educational Initiative to Help Floridians Understand this Beneficial Right; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2018-08. Village Manager Sarkozy provided an explanation of the resolution that was requested by Florida League of Cities.

Public Comment: None.

Questions or Comments: Regarding the next agenda item, Resolution No. 2018-09, Councilmember Levitan suggested that Vice Mayor Ribble be appointed as the voting delegate for the Village of Estero for the 2018 Florida League of Cities Annual Conference and Business meeting. Vice Mayor Ribble explained HOME Rule and “deputized” each Councilmember as a HOME Rule Enforcement Officer. Mayor Boesch read Resolution No. 2018-08 in its entirety.

Motion: Move to adopt Resolution No. 2018-08 and Resolution No. 2018-09.

Motion by: Councilmember Levitan

Seconded by: Councilmember Batos

Action: Adopted Resolution No. 2018-08 and Resolution No. 2018-09.

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (b) Resolution No. 2018-09 A Resolution of the Village Council of the Village of Estero, Florida, Appointing the Voting Delegate for the Village of Estero for the 2018 Florida League of Cities Annual Conference and Business Meeting; and Providing an Effective Date

Village Clerk Hall read the title of Resolution No. 2018-09.

Resolution No. 2018-09 was adopted as part of the motion for Resolution No. 2018-08.

6. ORDINANCE SECOND READINGS/PUBLIC HEARINGS:

(a) AMENDING CERTAIN PROVISIONS OF THE TRANSITIONAL LAND DEVELOPMENT CODE - TREE PROTECTION

Ordinance No. 2018-07 An Ordinance of the Village Council of the Village of Estero, Florida, Amending Certain Provisions of the Transitional Land Development Code Chapter 14, Article V, Tree Protection, to Remove the Permit Exemption for the Removal of Protected Trees from Lots Zoned for Single-Family Residential Use and to Add Certain Permit Requirements Regarding the Same; Providing a Severability Clause; Providing for Conflicts; and Providing an Effective Date

Mayor Boesch opened the hearing. The title of Ordinance No. 2018-07 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 brief comments regarding the proposed ordinance. Community Development Director Gibbs spoke to current code requirements and exemptions, as well as what the proposed ordinance would remove. Ms. Gibbs noted that

a revised version of the ordinance, with suggested edits provided by Councilmember Levitan, was included in the desk packet distributed to Council.

Questions or Comments: Councilmembers Wilson, Batos, Errington, McLain, Vice Mayor Ribble and Mayor Boesch. Discussion include how the ordinance applied to developing land; and concern regarding the revised ordinance in the desk packet.

Village Attorney Saunders explained that there should be flexibility for second ordinance readings and that Councilmember Levitan's alternative ordinance was legitimate; Council would need to hear it; however, they did not need to agree with it.

Councilmember Levitan explained that this was done in the same fashion as zoning ordinances that have come before the Council. He noted that additional requirements were deleted, taking into consideration information received from the public; requirements would stay the same as multi-family. He offered a motion to amend the original ordinance or substitute with the revised ordinance. The motion died for lack of a second to the motion.

Questions or Comments: Councilmembers Wilson, Batos, Errington, McLain, Vice Mayor Ribble and Mayor Boesch. Discussion included the ordinance negatively impacting 15,000 residences; gated communities Homeowners' Associations had rules that cover trees; the Planning and Zoning Board was not in favor of the ordinance; appreciation conveyed to residents that reached out to Council; recent clear-cutting that the Code Compliance Officer was working on; resident's belief that this was an overreach; and the numerous communications received from residents.

Public Comment:

Dale Thompson, Riverwoods Plantation

Lanell Shields, Grandezza

Len Reed, Copperleaf

Mark Novitski, Bella Terra

Robert Cook, The Groves

Benjamin Bachrach, Pelican Sound

Joe Pavich, Fountain Lakes

Richard Thomas, Pelican Sound

Joe Miceli, Rookery Pointe

J J Basso, Grandezza

Ramona Notarianni, Shadow Wood

Ed Mehmel, Rookery Point

Joe Hammerman, Pelican Landing

Mayor Boesch closed the hearing and noted that Councilmember Levitan was in charge of the Land Development Code process and, with that, there were a number of items to be addressed, one of which was trees. He also spoke to Councilmember Levitan's background as a land use attorney.

Motion: Move to deny Ordinance No. 2018-07.

Motion by: Councilmember Batos

Seconded by: Councilmember Errington

Action: Denied Ordinance No. 2018-07.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

The meeting went into recess at 10:48 a.m. and reconvened at 11:00 a.m.

**(b) AMENDING THE TRANSITIONAL LAND DEVELOPMENT CODE –
ROAD IMPACT FEES**

Ordinance No. 2018-09 An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Transitional Land Development Code, Chapter 2, Article VI, Impact Fees, Division 2, Roads Impact Fees, by Amending Section 2-264(B) Definitions, Section 2-266, Computation of Amount, and Revising the Roads Impact Fee Schedule to Update the Calculations of the Full Costs; Amending Section 2-258 Benefit District Established; Providing for Permit Submittal and Issuance; Providing for Conflict; Providing for Severability; and Providing an Effective Date

Mayor Boesch opened the hearing. The title of Ordinance No. 2018-09 was read by Village Clerk Hall. Mayor Boesch asked whether the ordinance had been properly advertised; Village Clerk Hall responded affirmatively.

Village Manager Sarkozy briefly reviewed that the ordinance had been discussed at the May 23, 2018 workshop as well as the first reading of the ordinance on June 27, 2018. Community Development Director Gibbs provided background information and spoke to the key changes in the ordinance, noted that the fees were consistent with the study recently completed by Lee County's consultant Duncan Associates. She also addressed new categories and the ordinance effective date of October 9, 2018, 90 days after the adoption date.

Questions or Comments: Councilmembers Wilson and Batos. Discussion included clarification of new projects and Bonita Springs' fees were approximately 20% – 25% greater. Village Land Use Counsel Stroud noted that she had seen larger fees in other areas.

Public Comment:

Bob King, Bella Terra

Questions or Comments: Councilmember Levitan stated that this would be going into the Land Development Code and at some point and the Village should do their own study.

Mayor Boesch closed the hearing.

Motion: Move to adopt Ordinance No. 2018-09.

Motion by: Vice Mayor Ribble
Seconded by: Councilmember Batos

Action: Adopted Ordinance No. 2018-09.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**(c) AMENDING THE TRANSITIONAL LAND DEVELOPMENT CODE –
PARK IMPACT FEES**

Ordinance No. 2018-10 An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Transitional Land Development Code, Chapter 2, Article VI, Impact Fees, Divisions 3 and 4, Regional and Community Parks Impact Fees, by Amending Sections 2-306 and 2-346 Computation of Amount, and Revising the Parks Impact Fee Schedule to Update the Calculations of the Full Costs; Combining Regional and Community Parks into a Unified Parks Impact Fee; Amending Sections 2-308 and 2-348 Benefit District Established; Providing for Conflict; Providing for Severability; and Providing an Effective Date

Mayor Boesch opened the hearing. The title of Ordinance No. 2018-10 was read by Village Clerk Hall. Mayor Boesch asked whether the ordinance had been properly advertised; Village Clerk Hall responded affirmatively.

Community Development Director Gibbs provided an explanation of the main components of the ordinance, new categories, and the ordinance effective date of October 9, 2018, 90 days after the adoption date.

Questions or Comments: Councilmembers Levitan and Wilson. Discussion included an inquiry regarding the total single-family residences collected, including schools and how it compared to other counties; an inquiry regarding consolidating the parks funds into one fund.

Public Comment: None.

Mayor Boesch closed the hearing.

Motion: Move to adopt Ordinance No. 2018-10.

Motion by: Councilmember Errington
Seconded by: Councilmember McLain

Action: Adopted Ordinance No. 2018-10.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

7. PUBLIC HEARING:

(a) Proposed Capital Improvement Program

Mayor Boesch opened the hearing. Village Manager Sarkozy stated that this was the Village's first expanded Capital Improvement Program (CIP) and noted that it would be formally adopted during the budget process. He also noted that this hearing was in an effort for transparency.

Public Works Director Willems provided brief information and pointed out that the second hearing was scheduled for July 25, 2018. He also pointed out that the Williams Road Estero High Turn Lane project, \$316,320, was moved to 2018-2019.

Questions or Comments: Councilmembers Wilson, Errington, Levitan, and Mayor Boesch. Discussion included Village monument signs listed in the CIP; and Broadway West sidewalk improvements.

Public Comment: None.

Mayor Boesch closed the hearing. Brief Council discussion followed.

Motion: Move to second public hearing on July 25, 2018.

Motion by: Councilmember Wilson

Seconded by: Councilmember Errington

Action: Moved to second public hearing on July 25, 2018.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

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

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Vice Mayor Ribble: (1) Inquired regarding the Office of Safe Schools and interaction with local schools.

Councilmember Errington: (1) Continue to support our neighboring communities affected by water issues. (2) Meeting with Senator Benacquisto and a request for volunteers.

Councilmember Batos: (1) Suggested that staff prepare and send a letter to all Homeowners' Associations and country clubs indicating which items require permits, as well as reminding them what they need to tend to regarding drainage.

Councilmember Wilson: (1) Inquired whether there would be a zoning hearing on July 18, 2018.

10. VILLAGE ATTORNEY'S REPORT:

Village Attorney Saunders reported that the MuniCode project would be coming to Council shortly after their August break. Village Manager Sarkozy explained that this involved all the Lee County codes that the Village originally adopted.

11. VILLAGE MANAGER'S REPORT: None.

Adjourn Regular Session and Convene Workshop

12. WORKSHOP ITEMS:

(a) Proposed FY 2018-2019 Budget

Finance Director Roberson provided detailed information and a PowerPoint Presentation that included: Budget Calendar; Changes in Proposed Budget; Revenues; Expenditures; General Fund Summary; Building Permit Fees Fund Summary; Capital Projects Fund Summary; Capital Project Allocation; and 2018-2019 Capital Projects.

Questions or Comments: Councilmembers Errington, Levitan, and Batos. Discussion included whether staff was comfortable with the Village cyber technology; transferable impact fees; and individual line items that Council may want to add.

Public Comment: None.

A motion to adjourn was made and duly passed.

13. ADJOURNMENT: 12:00 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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