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**ADOPTED BY COUNCIL
JANUARY 6, 2019**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
October 17, 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. (Meeting called to order followed by a break until 9:44 a.m. due to technical issues with the audio/video system)

Pledge of Allegiance: Led by Mayor Boesch.

Invocation: Rabbi Greenberg from Chabad of Bonita Springs & Estero.

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.

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

Motion: Move to postpone Agenda Item 5 (a) Resolution No. 2018-18 until the October 24, 2018 Zoning Hearing agenda.

Motion by: Councilmember Levitan

Seconded by: Vice Mayor Ribble

Questions or Comments: Councilmember Levitan referred to the Purchase and Sale Agreement with respect to Agenda Item 5 (a), a copy of which was provided with the Council desk packet. Due to just receiving the updated copy, he suggested that discussion be postponed until next week during the Zoning Hearing agenda, to provide an

opportunity for public review. Discussion ensued regarding the effect, if any, on the transaction closing date.

Action: Postponed Agenda Item 5 (a) Resolution No. 2018-18 until the October 24, 2018 Zoning Hearing agenda.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

Motion: Move to approve the agenda as amended.

Motion by: Councilmember Levitan

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:

Barbara Saxton, representing Friends of River Oaks Preserve, provided an update on the River Oaks Preserve property.

4. CONSENT AGENDA:

(a) Lien Reduction Request

Councilmember Levitan requested that the Lien Reduction Request be pulled from the Consent Agenda.

Village Manager Sarkozy provided an explanation regarding the lien process and noted that there were similar liens in the Village. Community Development Director Gibbs provided a detailed explanation regarding the lien on the property, noted that the property owner corrected the violation upon becoming aware of the violation, and the Special Magistrate recommended going forward with the lien reduction request.

Questions or Comments: Councilmembers Batos, Levitan, Errington and Mayor Boesch. Discussion included an understanding of the concept; the amount of the fine; the notice/certified mail procedure; and an inquiry regarding what would happen if the lien reduction was approved and was never paid.

Motion: Move to approve the lien reduction; the lien would be removed subject to the property owner paying the prosecution costs in the amount of \$306, plus any additional hard costs to release the lien.

Motion by: Councilmember Wilson

Seconded by: Councilmember Errington

Questions or Comments: Concern was raised regarding setting a precedent. Village Attorney Saunders addressed options available to the Council and suggested continuing the agenda item.

Councilmember Wilson withdrew the motion and Councilmember Errington concurred.

Motion: Move to continue the agenda item until the property owner is available to be present or represented at a Council meeting.

Motion by: Councilmember McLain

Seconded by: Councilmember Levitan

Action: Continued the agenda item until the property owner is available to be present or represented at a Council meeting.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

5. ACTION ITEMS:

- (a) Resolution No. 2018-18 A Resolution of the Village Council of the Village of Estero, Florida, Authorizing the Purchase of 62.05± Acres Adjacent to the Estero River; Determining that it is in the Best Interest and Welfare of the Village and its Residents; and Providing an Effective Date (Exhibit A: Purchase and Sale Agreement with The Trust for Public Land)

This agenda item was postponed until the October 24, 2018 Zoning Hearing agenda.

6. FIRST READING OF ORDINANCES:

- (a) Miromar Outlet Hotel

- (1) Zoning Ordinance No. 2018-24 An Ordinance of the Village Council of the Village of Estero, Florida, Approving with Conditions a Zoning Amendment with Deviations to Permit a Proposed 135-Room Hotel for Property Located in the Miromar Outlet Mall Parking Lot, North of Corkscrew Road in the Village of Estero, Florida, and Comprising Approximately 2.3 Acres in the Commercial Planned Development; Providing for Conflicts; Providing for Severability; and Providing an Effective Date
- (2) Resolution No. 2018-17 A Resolution of the Village Council of the Village of Estero, Adopting a Codified Development Order for the Timberland and Tiburon Development of Regional Impact (DRI) (11th Amendment to DRI DO State #7-8384-46); and Providing an Effective Date

Mayor Boesch introduced the ordinance and stated that the second reading and public hearing would take place on October 24, 2018, at which time public comments would be permitted. The title of Ordinance No. 2018-24 was read by Village Clerk Hall.

Community Development Director Gibbs provided a brief presentation and addressed key points.

Questions or Comments: Councilmembers Wilson, Levitan, and McLain. Discussion included outdoor garden for alcoholic beverages; regional parking aspect and overflow parking of the development and the previous allocation by the County for the arena; how this proposal would work under the transitional Comprehensive Plan and the Village's new Comprehensive Plan; precedents set for height; connectivity and use of parking during arena events; stormwater management and the impact of this structure.

Motion: Move to approve first reading of Ordinance No. 2018-24.

Motion by: Councilmember Levitan

Seconded by: Councilmember McLain

Action: Approved first reading of Ordinance No. 2018-24.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (b) Ordinance No. 2018-25 An Ordinance of the Village Council of the Village of Estero, Florida, Providing for Retail Gas Pump Security Measures; Establishing Security Measure Requirements for Owners and Operators of Retail Gas Pumps; Providing for Severability, Codification and an Effective Date

Mayor Boesch introduced the ordinance and stated that the second reading and public hearing would take place on November 7, 2018, at which time public comments would be permitted. The title of Ordinance No. 2018-25 was read by Village Clerk Hall.

Village Attorney Saunders provided an overview of the ordinance and noted a change in effective date of January 1, 2019.

Questions or Comments: Councilmembers Errington, Batos, and Mayor Boesch. Discussion included the Village Code Enforcement Officer providing notice to the station owners.

Motion: Move to approve first reading of Ordinance No. 2018-25.

Motion by: Councilmember Batos

Seconded by: Councilmember Wilson

Action: Approved first reading of Ordinance No. 2018-24.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

7. SECOND READING OF ORDINANCES:

(a) Ordinances Repealing Inapplicable Lee County-only Regulations

Mayor Boesch provided a brief introduction and the title of Ordinance No. 2018-12 was read by Village Clerk Hall.

- (1)** Ordinance No. 2018-12 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Personnel Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Attorney Saunders provided an explanation of the ordinance.

Motion: Move to adopt Ordinance No. 2018-12.

Motion by: Councilmember McLain

Seconded by: Councilmember Batos

Action: Adopted Ordinance No. 2018-12.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (2)** Ordinance No. 2018-13 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Purchasing and Finance Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The title of Ordinance No. 2018-13 was read by Village Clerk Hall. Village Attorney Saunders provided an explanation of the ordinance.

Motion: Move to adopt Ordinance No. 2018-13.

Motion by: Councilmember Errington

Seconded by: Councilmember McLain

Action: Adopted Ordinance No. 2018-13.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (3) Ordinance No. 2018-14 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Telecommunications Network Ordinance Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The title of Ordinance No. 2018-14 was read by Village Clerk Hall. Village Attorney Saunders provided an explanation of the ordinance.

Motion: Move to adopt Ordinance No. 2018-14.

Motion by: Councilmember Wilson

Seconded by: Councilmember Batos

Action: Adopted Ordinance No. 2018-14.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (4) Ordinance No. 2018-15 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Airports and Aircraft Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The title of Ordinance No. 2018-15 was read by Village Clerk Hall. Village Attorney Saunders provided an explanation of Ordinance No. 2018-15.

Motion: Move to adopt Ordinance No. 2018-15.

Motion by: Councilmember Batos

Seconded by: Vice Mayor Ribble

Action: Adopted Ordinance No. 2018-15.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (5) Ordinance No. 2018-16 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Ambulance and Rescue Services Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The title of Ordinance No. 2018-16 was read by Village Clerk Hall. Village Attorney Saunders provided an explanation of the ordinance.

Motion: Move to adopt Ordinance No. 2018-16.

Motion by: Councilmember McLain

Seconded by: Vice Mayor Ribble

Action: Adopted Ordinance No. 2018-16.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (6) Ordinance No. 2018-17 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Building and Land Use Regulations Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The title of Ordinance No. 2018-17 was read by Village Clerk Hall. Village Attorney Saunders provided an explanation of the ordinance. Community Development Director Gibbs added supplemental information regarding registering for a building permit.

Motion: Move to adopt Ordinance No. 2018-17.

Motion by: Councilmember Errington

Seconded by: Vice Mayor Ribble

Action: Adopted Ordinance No. 2018-17.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (7) Ordinance No. 2018-18 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Courts Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The title of Ordinance No. 2018-18 was read by Village Clerk Hall. Village Attorney Saunders provided an explanation of the ordinance.

Motion: Move to adopt Ordinance No. 2018-18.

Motion by: Councilmember Wilson

Seconded by: Councilmember McLain

Action: Adopted Ordinance No. 2018-18.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (8) Ordinance No. 2018-19 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Discrimination Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The title of Ordinance No. 2018-19 was read by Village Clerk Hall. Village Attorney Saunders provided an explanation of the ordinance.

Motion: Move to adopt Ordinance No. 2018-19.

Motion by: Councilmember Errington

Seconded by: Councilmember Levitan

Action: Adopted Ordinance No. 2018-19.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (9) Ordinance No. 2018-20 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Development District Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The title of Ordinance No. 2018-20 was read by Village Clerk Hall. Village Attorney Saunders provided an explanation of the ordinance. Discussion followed related to the Village Attorney reaching out to area legal counsels for the various Community Development Districts.

Motion: Move to continue second reading of Ordinance No. 2018-20 until November 28, 2018.

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Action: Continued second reading of Ordinance No. 2018-20 until November 28, 2018.

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (10) Ordinance No. 2018-21 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Drainage and Water Control Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The title of Ordinance No. 2018-21 was read by Village Clerk Hall. Village Attorney Saunders provided an explanation of the ordinance. Brief discussion ensued regarding water shortage.

Motion: Move to continue second reading of Ordinance No. 2018-21 until November 28, 2018.

Motion by: Councilmember Levitan

Seconded by: Councilmember McLain

Action: Continued second reading of Ordinance No. 2018-21 until November 28, 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) Reported that he would be attending tonight's celebration for Dr. Kauanui's business school student program at FGCU. 2) Announced that he has been appointed to the Federal Action Strike Team in Washington, D.C., for the Florida League of Cities.

Councilmember Levitan: 1) Noted that the Council was receiving emails from an applicant regarding an upcoming zoning hearing. He requested that staff contact them. Community Development Director Gibbs responded that she had already made contact.

Councilmember Errington: 1) Addressed her request for a workshop to be scheduled with Lee County Utilities and Bonita Springs Utilities to present water quality information.

8. VILLAGE ATTORNEY'S REPORT: None.

9. VILLAGE MANAGER'S REPORT: None.

The meeting went into recess at 10:50 a.m. and reconvened at 11:00 a.m.

Adjourn Regular Session and Convene Workshop

10. WORKSHOP ITEMS:

(a) Land Development Code

Craig Richardson, Clarion Associates, provided a Land Development Code Assessment PowerPoint Presentation addressing: Project Status and Background; Assessment: Structure and Themes; and Annotated Outline.

Laura DeJohn, Johnson Engineering, spoke regarding the organization of the Land Development Code related to landscaping and buffers; irrigation standards; tree protection standards; open space set-aside standards; and architecture.

Questions or Comments: Councilmembers Levitan, Batos, Wilson, and Mayor Boesch. Discussion included Council handling policy decisions in workshops; concern regarding understanding the changes made; whether there would be an opportunity to say that Council wanted higher standards; inquiry regarding agriculture district; and emphasizing the environment, saving energy, and visionary thinking.

Community Development Director Gibbs spoke briefly about a brochure prepared by staff.

(b) Estero Parkway Access Management Plan

Ted Tryka, Agnoli Barber and Brundage, presented information regarding: US 41 showing existing conditions and proposed improvements; Estero Ridge at Walmart; Osprey Cove; Belle Lago; Belle Lago and The Reserve; The Reserve and Cascades; Rookery Pointe; Tuscany Park and Heatherstone; and Three Oaks Parkway.

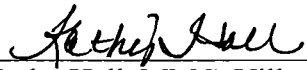
Councilmember questions and comments ensued. Public Works Director Willems stated that he had a discussion with the manager at Walmart as well as residents from Estero Ridge. He also noted that he had a conversation with Department of Transportation representatives and indicated that there should be an upcoming meeting with them.

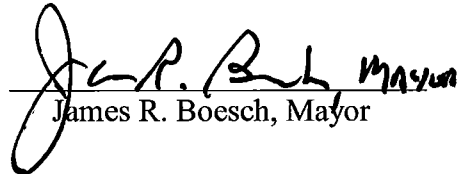
A motion to adjourn was made and duly passed.

11. ADJOURNMENT: 12:31 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: 
Kathy Hall, MMC, Village Clerk

By: 
James R. Boesch, Mayor