

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village Clerk. Village Council meetings from June 8, 2016 forward can be viewed online at <http://estero-fl.gov/council/watch-meetings-online/>. Staff reports, resolutions, ordinances, and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

**APPROVED BY COUNCIL
MARCH 6, 2019**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL SPECIAL MEETING / ZONING HEARING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
October 24, 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 Todd Weston - 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, Village Land Use Counsel Nancy Stroud, Assistant to Village Manager Kyle Coleman, Public Works Director David Willems, Finance Director Lisa Roberson, Community Development Director Mary Gibbs, Principal Planner Matt Noble and Village Clerk Kathy Hall.

- 2. 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)

Village Manager Sarkozy reviewed information from the previous meeting including due diligence period; December 12 final review & Village will work to resolve any issues in

the meantime. In the course of getting this prepared, 3 attorneys Saunders, Paulich, and Stroud have assisted. The Council is aware that this is a complicated property; Village purchase is 5 parcels, Village Partners will retain 3 parcels. The 501c3 organization Trust for Public Land is represented by Kate Brown, also an attorney and the project director working out of Tallahassee. Andy Solis is the Village Partners' attorney.

Questions or Comments:

Village Attorney Saunders stated that Councilmember Levitan spent a great deal of time drafting language that was designed to protect the interest of the Village; TPL has some issues with the language; during due diligence period we will do what needs to be done to protect the interest of the Village. In addition, Councilmember Levitan spent time looking at the resolution and provided language. Mayor Boesch made an inquiry of Village Attorney Saunders. He suggested adopting what was in the packet and he will make sure the issues are addressed during the due diligence period. Councilmember Levitan said he cannot support the language in the agreement; the zoning resolution has issues. He would like to hear the results of the due diligence. He was not in favor going forward as is.

Other concerns that were raised include gas and oil rights.

Attorney Kate Brown encouraged the Council to go forward and they are willing to work with Council to make changes. There are risks that the Village will be taking but we won't know until later.

Public Comment: Attorney Andy Solis explained the intent of the items in section 4.

Motion: Move to adopt Resolution No. 2018-18

Motion by: Councilmember Errington

Seconded by: Councilmember McLain

Action: Move to adopt Resolution No. 2018-18

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

3. ZONING ORDINANCE SECOND READING / PUBLIC HEARING – MIROMAR OUTLET HOTEL

- (a) 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

Mayor Boesch opened the public hearing and Village Clerk Hall read the title of Zoning Ordinance No. 2018-24. Mayor Boesch asked whether the ordinance had been properly advertised; Village Clerk Hall responded affirmatively. Mayor Boesch provided an explanation of the quasi-judicial procedures. Audience and staff intending to testify were sworn in by Village Clerk Hall.

Disclosure of ex parte communications and conflicts of interest: Councilmember McLain received an email about stormwater management; Councilmember Levitan – conversations over the course of a year and visited site several times.

Community Development Director Gibbs provided an overview of the project.

Presentation/Information by: Mike Elgin, Director of Planning of Miromar Development Corporation, representing Miromar Hotel Project, explained the zoning request and parking and site plan.

Kristina Johnson, JR Evans Engineering, representing the applicant, explained the surface water management system.

Dan DeLisi, Land Use Planner, representing the applicant, presented a PowerPoint and addressed the application for the consumption on premises of alcoholic beverages. The hours would extend to midnight instead of 2:00 a.m. He also addressed revisions to the DRI Development Order

The meeting went into recess at 11:17 a.m. and reconvened at 11:23 a.m.

Questions or Comments: Councilmembers commented on the concern of parking when there is a large event at the arena, noise concerns, and inquired about the consumption on premises. Community Development Director Gibbs asked applicant about the sign deviation to be clear about the height.

Village Land Use Counsel Stroud read through the revisions.

Public Comment: None.

Motion: Move to adopt Ordinance No. 2018-24 as revised

Motion by: Councilmember Wilson

Seconded by: Vice Mayor Ribble

Action: Adopted Ordinance No. 2018-24 as revised

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

- (b) 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

Dan DeLisi, representing the applicant, spoke regarding monitoring report revisions. Village Land Use Counsel Stroud read the proposed revisions to the resolution.

Village Clerk Hall read the title of Resolution No. 2018-17.

Questions or Comments: None

Public Comment: None.

Motion: Move to adopt Resolution No. 2018-17 as revised

Motion by: Councilmember Levitan

Seconded by: Councilmember McLain

Action: Adopted Resolution No. 2018-17 with revised

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:


A motion to adjourn was made and duly passed.

4. ADJOURNMENT: 12:09 p.m.

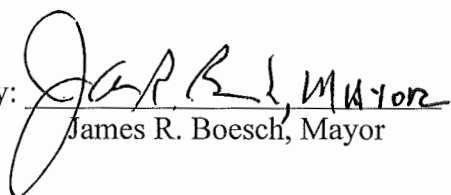
ATTEST:

VILLAGE OF ESTERO, FLORIDA

By:


Kathy Hall, MMC, Village Clerk
on behalf of Kathy Hall

By:


James R. Boesch, Mayor