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**APPROVED BY COUNCIL
MARCH 6, 2019**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
November 28, 2018 9:30 a.m.**

1. CALL TO ORDER: 9:30 a.m.

PLEDGE OF ALLEGIANCE: Led by Mayor Boesch.

INVOCATION: Pastor Kevin Morris from Hope United Presbyterian 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 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, and Village Clerk Kathy Hall.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:

Motion: Move to approve the agenda.

Motion by: Councilmember Wilson
Seconded by: Councilmember Errington

Action: Approved the agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Greg Stuart, Stuart & Associates, representing Sakata Seed, prepared a report entitled “A Local and Regional Mine Analysis” and requested that Council instruct staff to review the report he provided for the record. He also provided a summary of the report.

4. PRESENTATION AND RECOGNITION:

- (a) **Presentation:** Senator Kathleen Passidomo – Legislative Update
Senator Passidomo presented an overview of the upcoming legislative session and stated that the budget is going to be tight and will focus on water issues.

Vice Mayor Ribble complimented Senator Passidomo on her appointment as Senate Majority Leader.

- (b) **Recognition:** Certificate of Achievement for Excellence in Financial Reporting (CAFR)

Village Manager Sarkozy recognized Finance Director Roberson for her work, and the two part-time staff in the finance department. They received the highest award available from the Finance Officer’s Association. The Council should be very proud as this is a great accomplishment.

5. CONSENT AGENDA:

- (a) September 20, 2018 Council Meeting Minutes
- (b) Design and Permitting Services for Coconut Road Crosswalks and Drainage Improvements CN 2018-05 Consultants Ranking

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Levitan
Seconded by: Councilmember McLain

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

Questions or Comments:

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA: None

7. ACTION ITEMS: None.

8. SECOND READING / PUBLIC HEARING OF ORDINANCES:

(a) Ordinances Repealing Inapplicable Lee County-only Regulations

Mayor Boesch opened the public hearing and provided an explanation of the hearing process. In response to an inquiry whether the ordinances had been properly advertised, Village Clerk Hall responded affirmatively. Village Attorney Saunders provided comment that none of these ordinances involve the village.

(1) Ordinance No. 2018-26 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Emergencies Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-26. Village Attorney Saunders provided an explanation of the ordinance.

Public Comment: None

Motion: Move to adopt Ordinance No. 2018-26.

Motion by: Councilmember Batos
Seconded by: Councilmember Errington

Action: Adopted Ordinance No. 2018-26.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

Note: Ordinances No. 2018-27 through No. 2018-35 were adopted under one motion. See page 5.

(2) Ordinance No. 2018-27 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Fire Control Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-27. Village Attorney Saunders provided an explanation of the ordinance.

(3) Ordinance No. 2018-28 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Dunbar Enterprise Zone Development Agency Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-28. Village Attorney Saunders provided an explanation of the ordinance.

(4) Ordinance No. 2018-29 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing County Administrative Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-29. Village Attorney Saunders provided an explanation of the ordinance.

(5) Ordinance No. 2018-30 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing County Sheriff Designated Chief Correctional Officer of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-30. Village Attorney Saunders provided an explanation of the ordinance.

(6) Ordinance No. 2018-31 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Social Services Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-31. Village Attorney Saunders provided an explanation of the ordinance.

(7) Ordinance No. 2018-32 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Fish and Wildlife Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-32. Village Attorney Saunders provided an explanation of the ordinance.

(8) Ordinance No. 2018-33 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Food and Food Establishments Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-33. Village Attorney Saunders provided an explanation of the ordinance.

(9) Ordinance No. 2018-34 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Health and Sanitation Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-34. Village Attorney Saunders provided an explanation of the ordinance.

(10) Ordinance No. 2018-35 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Housing Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2018-35. Village Attorney Saunders provided an explanation of the ordinance.

Public Comment: None.

Motion: Move to adopt Ordinances No. 2018-27 through 2018-35.

Motion by: Councilmember Wilson

Seconded by: Vice Mayor Ribble

Action: Adopted Ordinance No. 2018-27 through 2018-35.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(b) 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

Village Attorney Saunders noted that the Village Attorney had requested that this ordinance be continued for one additional meeting to provide time for additional responses from legal counsel for the areas' Community Development Districts.

Motion: Move to continue Ordinance No. 2018-20 until December 5, 2018.

Motion by: Councilmember Levitan

Seconded by: Councilmember McLain

Action: Continued Ordinance No. 2018-20 until December 5, 2018.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

(c) 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

In response to an inquiry whether the ordinances had been properly advertised, Village Clerk Hall responded affirmatively. Village Clerk Hall read the title of Ordinance No. 2018-21. Village Attorney Saunders provided an explanation of the ordinance.

Public Comment: None

Motion: Move to adopt Ordinance No. 2018-21.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Wilson

Action: Adopted Ordinance No. 2018-21.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

9. PUBLIC COMMENT ON NON-AGENDA ITEMS: None

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmember Errington asked about the water report from Lee County and Bonita Springs Utilities.

Councilmember Batos asked about the report that was presented this morning under public comment, if staff could look at the report or have someone else review. After discussion the Mayor requested Village Manager Sarkozy to proceed.

11. VILLAGE ATTORNEY'S REPORT:

Village Attorney stated he is expecting an opinion on the Division of Administration Hearings Appeal by the end of January or early February.

12. VILLAGE MANAGER'S REPORT: None.

The Meeting went into recess at 10:27 a.m. and reconvened at 10:37 a.m.

Adjourn Regular Session and Convene Workshop

13. WORKSHOP ITEMS:

Note: Workshop 13 (d) was discussed first.

(a) Land Purchase Contingencies

- Financing Options
- Real Estate Issues
- Review of Land Use Issues

Village Manager Sarkozy provided an introduction and spoke to the upcoming important dates.

Maryann Edmonds, Public Resources Advisory Group, presented a PowerPoint presentation with information pertaining to loan proposals, rates, and other information. She said that Capital Bank looks to have the best offer with interest rate and no prepayment penalties. SunTrust Bank is competitive to Capital Bank. SunTrust does have a make-whole rate, if you prepay 15% of the total.

John Paulich, Real Estate Attorney, spoke about the title search being completed and the lease on five acres and the unrecorded agreement regarding Charles Dauray. Title requirements have been issued.

Community Development Director Gibbs referred to the memos in the Council's packet from her and, Village Land Use Counsel Stroud. Her memo deals with parcels four and five; parcel four is approved for mixed use and residential; parcel five is approved for low density residential.

Village Land Use Counsel Stroud spoke regarding her memo and the two conditions in the zoning resolution.

Questions or Comments: Councilmembers had questions about prepayment penalties, loan rates, negotiating with the banks; covenants; debt coverage ratio, and tax questions. Finance Director Roberson said the Village can apply for a tax exemption.

(b) Updated FEMA Maps

Public Works Director Willems presented a PowerPoint presentation that will illustrate the new flood maps that become effective December 7, 2018. If the property owners were located in the flood plain before and are no longer in the flood plain, they can now update their insurance policies.

Public Comment: George Molnar asked how this came about. Public Works Director Willems responded. Regarding the north branch, that would be the Village's responsibility to review.

Questions or Comments: Councilmembers Errington and Levitan asked how the public will know about this? Public Works Director Willems responded that we had public meetings, public notices by FEMA, and Councilmember Batos has spoken to his District as well.

(c) Ordinance No. 2019-01 Reserve Policy

Village Manager Sarkozy made a brief introduction. Assistant to Village Manager Kyle Coleman explained in a PowerPoint presentation that the use of funds would be limited to those explicitly outlined for each reserve; expended funds will be replenished in the following fiscal year, in accordance with an adopted plan; any changes to this policy, or deletion of the policy, would require a supermajority vote of the Village Council.

Questions or Comments: Councilmembers Levitan asked about the super majority; Village Attorney Saunders responded and explained this was a super majority of the entire Council. Village Manager Sarkozy responded that staff felt this was important due to this council's fiscal responsibility. Councilmember Batos believed that what staff was

trying to do is completely correct; when selling incorporation, we said we would be fiscally responsible. This assures that we are doing what we think is important.

Public Comment: None

This agenda item was heard first under workshops.

(d) Presentation from Nolen Rollins on behalf of Estero Chamber of Commerce

Nolen Rollins provided an update on the Estero Chamber of Commerce in a PowerPoint Presentation. The Community and Economic Development Team has been created and three things have been done. They have hired a full time executive director, there is a new president elect – himself, and five board members are being replaced. They are developing strong partnerships. They are looking to the Village to be a diamond partner by providing \$25,000.

Questions or Comments: Councilmembers thanked Mr. Rollins and expressed their excitement about partnering with the Chamber.

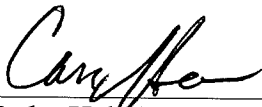
Public Comment: None.

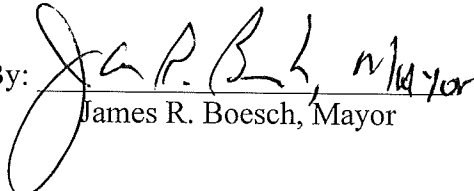
A motion to adjourn was made and duly passed.

14. ADJOURNMENT: 12:35 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

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

By: 
James R. Boesch, Mayor