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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
January 9, 2019 9:30 a.m.**

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

PLEDGE OF ALLEGIANCE: Led by Mayor Boesch.

INVOCATION: Pastor Todd 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, 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 revised agenda.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Batos

Action: Approved the agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. PROCLAMATION:

- (a) Human Trafficking Awareness and Prevention Month
A Proclamation was presented to Lorna McCraney, Program Director and Sam Lewis, CEO, WearTheFund, Human Trafficking Awareness Partnerships, proclaiming the month of January, 2019 as “*Human Trafficking Awareness and Prevention Month.*”

4. PUBLIC COMMENT ON NON-AGENDA ITEMS: None

5. CONSENT AGENDA:

- (a) First Reading of Ordinances:

Ordinance No. 2019-02 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Licenses and Business Regulations Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-03 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Motor Vehicles and Traffic Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-04 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Offenses and Miscellaneous Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-05 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Parks and Recreation Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-06 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Public Buildings and Lands Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-07 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Public Improvements and Projects Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-08 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Roads and Bridges Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-09 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Tourist Development Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-10 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Water and Sewers Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-11 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Wells Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Ordinance No. 2019-12 An Ordinance of the Village Council of the Village of Estero, Florida, Repealing Non-Ordinance Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

Village Clerk Hall read the Ordinances for the record.

Village Attorney Saunders provided brief comments regarding the ordinances and referenced a memo from Attorney Derek Rooney.

Public Comment: None

Motion: Move to approve consent agenda

Motion by: Councilmember Wilson
Seconded by: Councilmember McLain

Vote:

Aye: Unanimous

Nay:

Abstentions:

Questions or Comments: None

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA: None

7. ACTION ITEMS:

- (a) Resolution No. 2019-02 A Resolution of the Village Council of the Village of Estero, Florida, Authorizing the Village Manager to Record in the Lee County Records this Resolution and its Attachments, Including a Three Party Agreement Related to the Purchase of Property Currently Subject to the Estero on the River MPD Resolution Approved by Lee County Board of County Commissioners on June 4, 2007, as Zoning Resolution Z-07-021; and Providing an Effective Date

The title of Resolution No. 2019-02 was read by Village Clerk Hall.

Village Attorney Saunders noted concerns from Councilmember Levitan and noted that Village Land Use Counsel Stroud came up with this resolution to solve the issue.

Questions or Comments: None

Public Comment: None

Motion: Move to adopt Resolution No. 2019-02.

Motion by: Councilmember Errington

Seconded by: Vice Mayor Ribble

Action:

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (b) Resolution No. 2019-01 A Resolution of the Village Council of the Village of Estero, Florida, Authorizing the Issuance of Its Not To Exceed \$20,000,000 Taxable Revenue Note, Series 2019, for the Purpose of Financing, In Part, the Cost of Purchasing Certain Parcels of Land, as More Fully Described Herein; Authorizing the Negotiated Sale of Such Note to Capital Bank, a Division of First Tennessee Bank National Association, Pursuant to the Terms and Conditions of a Loan Agreement by and Among the Florida Municipal Loan Council, the Village of Estero, Florida, and Capital Bank, a Division of First Tennessee Bank National Association; Approving the Form of and Authorizing the Execution and Delivery of the Loan Agreement; Making Certain Other Covenants and Agreements in Connection with the Issuance of Such Note; and Providing an Effective Date

The title of Resolution No. 2019-01 was read by Villager Clerk Hall. Mayor Boesch noted that no changes have been made to the loan that council talked previously about. Village Manager Sarkozy provided explanation of the resolution; fixed rate and no pre-payment penalty. The plan is to close on January 14.

Questions or Comments: Councilmember Wilson had questions on the closing statement, we will be receiving rent; who owns the ministry building? Village Manager Sarkozy responded the Village will own it; leases will be renewed as well as discussion of no additional liability or exposure. Finance Director Roberson added that insurance carriers are working together at the current time. Councilmember Batos asked about the \$2200 for ad valorem taxes on the closing statement. John Paulich responded that was for the 2 weeks, paying January 1 through January 14, 2019; Finance Director Roberson added further information regarding payment of taxes. Councilmember Levitan – asked about this year’s taxes; Finance Director Roberson responded.

Public Comment: None

Motion: Move to approve Resolution No. 2019-01

Motion by: Councilmember Wilson

Seconded by: Councilmember Batos

Questions or Comments: None

Action:

Vote:

Aye: Unanimous

Nay:

Abstentions:

(c) Lien Removal Request on Property Located at 9870 Horne Lane

Village Attorney Saunders explained that this item is to remove a lien that was in error. Council approval is required to remove the lien. Community Development Director Gibbs added further information. The lien was recorded and now needs Council action to remove.

Questions or Comments: Councilmember Batos asked whether the lien would be placed on the correct property. Community Development Director Gibbs responded that there is a new owner who is removing the items. Councilmember Levitan asked that staff come up with a policy regarding liens to make certain it is formalized. He asked if this could be delegated to the special magistrate? Village Attorney Saunders said it could certainly be done; they will work with staff to put something together.

Public Comment:

Lauren Willison, 9840 Horne Lane, Estero, stated a concern that the fire department is purchasing property that is zoned agriculture.

Community Development Director Gibbs noted that they will need to go through the public hearing process to rezone the property; Mayor Boesch suggested Ms Willison reach out to the fire chief.

Motion: Move to remove lien on Property Located at 9870 Horne Lane

Motion by: Councilmember Levitan

Seconded by: Councilmember McLain

Questions or Comments: None

Action: Move to approve removal of lien

Vote:

Aye: Unanimous

Nay:

Abstentions:

8. SECOND READING / PUBLIC HEARING OF ORDINANCES:

- (a) Ordinance No. 2019-13–(Renumbered from 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

Mayor Boesch opened the public hearing and Village Clerk Hall read the title of Ordinance No. 2019-13. Mayor Boesch asked whether the ordinance had been properly advertised; Village Clerk Hall responded affirmatively. Village Attorney Saunders provided an explanation.

Public Comment: None.

Motion: Move to adopt Ordinance No. 2019-13.

Motion by: Vice Mayor Ribble
Seconded by: Councilmember Errington

Questions or Comments:

Action:

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (b) Ordinance No. 2019-01 An Ordinance of the Village Council of the Village of Estero, Florida, Adopting a Reserve Policy; and Providing an Effective Date

Mayor Boesch opened the public hearing and read the title of Ordinance No. 2019-01. Village Manager Sarkozy provided background regarding incorporation; spoke to the reserves being set up as a “cushion”, along with litigation reserve. A future Council would not be limited to changes, but they would have to do an ordinance revision.

Questions or Comments: Councilmembers Batos asked if we have a twelve-month reserve and if inflation increases, we would raise the amount the following year? Finance Director Roberson responded regarding adjustments each year. Councilmember Batos asked about “at twelve months or greater.” Finance Director Roberson responded. Councilmember Levitan spoke to a super majority process. Councilmember Batos asked if twelve months is equal to other municipalities? Finance Director Roberson believes that other municipalities are between four and twelve months.

Public Comment: None.

Motion: Move to adopt Ordinance No. 2019-01.

Motion by: Councilmember Wilson
Seconded by: Councilmember McLain

Questions or Comments: None

Action:

Vote:

Aye: Unanimous

Nay:

Abstentions:

9. PUBLIC COMMENT ON NON-AGENDA ITEMS: None

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Vice Mayor Ribble congratulated Councilmember Wilson on his recent presentation at ECCL and asked Village Attorney Saunders about regulation of vacation rentals. Village Attorney Saunders will research and get back to Council.

Councilmember McLain asked about fill trucks speeding on Estero Parkway. After they dump, they are creating an issue with turning left and asked that Village Manager Sarkozy reach out to the Sheriff.

Councilmember Errington stated that this is an historic day for the village in purchasing the Estero on the River property and thanked the D’Jamoos family.

Councilmembers discussed appropriate naming of something for Don Eslick.

11. VILLAGE ATTORNEY’S REPORT:

Village Attorney Saunders spoke to the vision of the Council and how they exercised that vision.

12. VILLAGE MANAGER’S REPORT:

Village Manager Sarkozy conveyed appreciation to the staff who have helped on the purchase of the property.

Adjourn Regular Session and Convene Workshop

13. WORKSHOP ITEMS:

- (a) Discussion: 20/20 Program for Conserving 10 Acres along the Estero River, Village of Estero Conservation 20/20 Nomination 571

Village Manager Sarkozy stated this property has been before Council previously and there’s been an effort to secure 20/20 funding for this parcel from Lee County; led by the Conservation Foundation of the Gulf Coast. Debi Osborne, Director of Land Protection, is here to support the effort.

Conservation Foundation of the Gulf Coast, Debi Osborne, pledged \$15,000 and would be willing to continue fund raising.

Village Manager Sarkozy spoke regarding maintenance and the cost of invasive exotics removal, which could be \$30,000.

Questions or Comments: The Council discussed the cost of removing exotics. After discussion, they suggested that Ms. Osborne go forward before the commissioners.

Public Comment: None.

(b) Update: Parks, Recreation and Open Space Master Plan

Village Manager Sarkozy stated the there will be a survey mailed to a number of people and focus group meetings with Council members. There will also be opportunities for general public comment. Community Development Director Gibbs spoke regarding the upcoming public meeting on Monday, January 14 at the Estero Recreation Center.

Questions or Comments: None


Public Comment: None

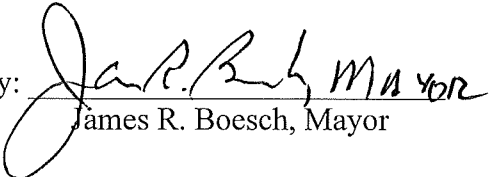
A motion to adjourn was made and duly passed.

14. ADJOURNMENT: 11:14 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

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

By: 
James R. Boesch, Mayor