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**APPROVED BY COUNCIL
APRIL 3, 2019**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
March 20, 2019 9:30 a.m.**

1. OATH OF OFFICE: Honorable Elisabeth Adams, 20th Judicial Circuit Judge

- Jon M. McLain – District 3
- Katy Errington – District 4
- James R. Boesch – District 5
- James V. Wilson – District 7

2. CALL TO ORDER AND PLEDGE OF ALLEGIANCE: Mayor Boesch

3. INVOCATION: Pastor Nolen Rollins from Legacy Church

4. 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 Deputy Village Clerk Tammy Duran

5. PROCLAMATIONS:

- (a) Tish Sargent – American Heart Association

6. ELECTION OF MAYOR

Councilmember Levitan nominated Councilmember Bill Ribble for Mayor. There were no further nominations.

Motion: Move to elect Councilmember Ribble as Mayor.

Motion by: Councilmember Levitan

Seconded by: Councilmember Batos

Action: Elected Councilmember Ribble as Mayor.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

7. ELECTION OF VICE MAYOR

Councilmember Wilson nominated Councilmember Errington as Vice Mayor. There were no other nominations.

Motion: Move to elect Councilmember Errington as Vice Mayor.

Motion by: Councilmember Wilson

Seconded by: Councilmember Batos

Action: Elected Councilmember Errington as Vice Mayor.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

The meeting went into recess at 9:47 a.m. and reconvened at 9:53 a.m.

8. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:

Councilmember Levitan asked that Agenda Item 12(a) Discuss Remand of Estero Crossing Zoning Case to Planning and Zoning Board be removed. After further review of the Zoning and Planning Meeting he discovered there was a second vote after their original vote. The original vote would stand.

Motion: Move to approve the agenda as amended, pulling 12 (a).

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Action: Approved the agenda as amended, pulling 12 (a).

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

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

10. CONSENT AGENDA:

- (a) December 5, 2018 Council Meeting Minutes
- December 12, 2018 Council Meeting Minutes
- January 23, 2019 Council Meeting Minutes
- January 30, 2019 Council Meeting Minutes
- February 6, 2019 Council Meeting Minutes
- February 20, 2019 Council Meeting Minutes
- March 6, 2019 Council Meeting Minutes

Public Comment: None.

Questions or Comments: None.

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember McLain

Seconded by: Councilmember Boesch

Action: Approved the Consent Agenda.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

11. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA: None.

12. ACTION ITEMS:

- (a) Discuss Remand of Estero Crossing Zoning Case to Planning and Zoning Board

Agenda Item 12 (a) was pulled from the agenda.

- (b) Planning and Zoning Board and Design Review Board Items

Recommended Action:

- Reappoint Planning and Zoning Board members Marlene Naratil and James Tatoes for a one-year term expiring March 31, 2020.
- Reappoint Design Review Board member Barry Jones for a one-year term expiring on March 31, 2020.
- Appoint a Chairman for each Board.
- Authorize staff to advertise for the three (3) vacant positions for Design Review Board, including a landscape architect per the Ordinance requirement.
- Designate which Design Review Board member is considered the State-registered architect for purposes of determining a quorum.

Village Manager Sarkozy provided an introduction. Community Development Director Gibbs explained why this was being brought up to Council at this time.

Questions or Comments: Councilmember Levitan suggested the Council take each recommendation separately. Vice Mayor Errington expressed concern about not having a landscape architect. Community Development Director Gibbs explained that the Village will reach out to firms for assistance if needed.

Public Comment: None.

Motion: Move to reappoint Planning and Zoning Board Members Marlene Naratil and James Tatooles for a full three-year term expiring March 31, 2022. Reappoint Chairman Scotty Wood to the Planning and Zoning Board.

Motion by: Councilmember Levitan

Seconded by: Councilmember Batos

Action: Reappointed Planning and Zoning Board Members Marlene Naratil and James Tatooles for a full three-year term expiring March 31, 2022. Reappointed Chairman Scotty Wood to the Planning and Zoning Board.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

Motion: Move to reappoint Design Review Board Member Barry Jones to a two-year term expiring on March 31, 2021. Appoint Barry Jones as Chair of the Design Review Board. Bill Glass will be the Design Review Board Member considered the State-registered architect for purpose of determining a quorum.

Motion by: Councilmember Levitan

Seconded by: Councilmember Boesch

Action: Reappointed Design Review Board Member Barry Jones to a two-year term expiring on March 31, 2021. Appointed Barry Jones as Chair of the Design Review Board. Bill Glass will be the Design Review Board Member considered the State-registered architect for purpose of determining a quorum.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

Motion: Authorize staff to advertise for the three (3) vacant positions for Design Review Board, including a landscape architect per the Ordinance requirement.

Motion by: Councilmember Levitan

Seconded by: Councilmember Wilson

Action: Authorized staff to advertise for the three (3) vacant positions for Design Review Board, including a landscape architect per the Ordinance requirement.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

13. **FIRST READING OF ORDINANCE**

Ordinance No 2019-22 An Ordinance of the Village Council of the Village of Estero, Florida, Further Amending Ordinance No. 15-01 Regarding Appeals From the Village Planning and Zoning Board and the Design Review Board; Amending Ordinance 15-01 to Require Written Recommendations From the Village Manager or His Designee to the Design Review Board; Providing a Severability Clause; and Providing an Effective Date

Village Manager Sarkozy provided an introduction. Community Development Director Gibbs explained the ordinance. The Planning and Zoning Board reviewed the ordinance last night at their meeting and there was some confusion on the wording in the ordinance. The Planning and Zoning Board requested that the language be modified before the second reading.

Questions or Comments: Councilmember Levitan explained to Council that Village Land Use Counsel Stroud will be working on modifying the language and will have it to Council well before the second reading on April 17th. Councilmember Batos stated the suggestion of the Planning and Zoning Board that Council take jurisdiction of cases is one he agrees with.

Motion: Move to pass first reading of Ordinance No. 2019-22.

Motion by: Councilmember Levitan

Seconded by: Councilmember McLain

Action: Passed first reading of Ordinance No. 2019-22.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

14. **PUBLIC COMMENT ON NON-AGENDA ITEMS:**

Robert King, representing ECCL, stated that there are several County Comprehensive Plan amendments in the DRGR area. Council should consider all eight amendments under the DRGR. They will all have an effect on the Village if they are passed.

15. **COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:**

Councilmember Levitan stated the Village needs to move quickly on the mining issues with Lee County.

Vice Mayor Errington stated she wrote a letter to the Lee County Commissioners regarding the mining.

Councilmember Boesch stated he sent a letter to the five mayors of the cities seeking their support in opposition to Lee County's repeal of the restrictions on mining in the DRGR. He also was a signer on a letter with the five other mayors that was sent to Governor DeSantis regarding the Caloosahatchee minimum flow and level rule.

Councilmember Wilson had concerns with how the Village could remind voters to reregister for the vote by mail ballot. He discovered that they expire and right now Lee County does not send out reminders to voters to reregister for the vote by mail ballot.

16. VILLAGE ATTORNEY'S REPORT: None.

17. VILLAGE MANAGER'S REPORT: None.

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

Adjourn Regular Session and Convene Workshop

18. WORKSHOP ITEMS:

(a) Estero Branding Update

Village Manager Sarkozy provided an introduction. Public Works Director Willems presented a PowerPoint presentation on the results of the data collected from the surveys and focus groups the Village had conducted. On the April 3rd Village Council meeting, the consultants will have a report on their interpretation of the data.

Questions or Comments: Councilmembers had questions and comments regarding the signage in the Village and when staff thought the signs would be up.

Public Comment: None.

(b) Code Enforcement Mitigation

Village Manager Sarkozy provided an introduction. Community Development Director Gibbs explained how the Village code enforcement process works.

Questions or Comments: Councilmembers had questions and comments regarding the process of collecting fines from code violations, lien process, and if the Village should hire someone to try and collect the fines.

Village Attorney Saunders stated he would work with staff and come up with a strategy on how the Village could collect. Village Manager Sarkozy stated staff would come back at the next Council meeting with a strategy on how to collect, imposing fines, demand for payment, and legal action the Village could take.

Public Comment: None.

A motion to adjourn was made and duly passed.

12. ADJOURNMENT: 11:48p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: 
Kathy Hall, MMC, Village Clerk

By: 
Bill Ribble, Mayor