

Final Action Agenda/Minutes are supplemented by audio and video recordings of the meetings, as well as transcripts. Video recordings of Village Council meetings from June 8, 2016 forward, as well as agendas, staff reports, resolutions, ordinances, and other documents related to the meetings can be viewed online at <https://estero-fl.gov/agendas/> at the corresponding meeting date.

APPROVED OCTOBER 21, 2020

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
October 7, 2020 9:30 p.m.**

1. CALL TO ORDER

INVOCATION: Pastor John Roth - Thrive Community Church

PLEDGE OF ALLEGIANCE: Led by Councilmember Nick Batos

ROLL CALL: Present: Mayor Bill Ribble - District 1, Vice Mayor Katy Errington - District 4, Councilmember Howard Levitan (via Zoom) - District 2, Councilmember Jon McLain - District 3, Councilmember Jim Boesch - District 5, Councilmember Nick Batos - District 6, and Councilmember Jim Wilson (via Zoom) - District 7.

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Deputy Village Manager Kyle Coleman, Public Works Director David Willems, Community Development Director Mary Gibbs, Finance Director Lisa Roberson, Deputy Village Clerk Tammy Duran, and Executive Assistant to the Village Manager Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Move to approve the Agenda.

Motion by: Vice Mayor Katy Errington
Seconded by: Councilmember Jon McLain

Action: Approved the Agenda.

Vote: (Roll Call)
Aye: Councilmembers Levitan, McLain, Boesch, Batos, Vice Mayor Errington, and Mayor Ribble
Nay:
Abstentions:

3. PRESENTATIONS:

- (a) Zachary Burch/Government Affairs & Communications Manager, Florida Department of Transportation, update on I-75 Construction

Council Questions or Comments:

Councilmembers McLain, Boesch, Vice Mayor Errington, and Mayor Ribble

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

In Person:

Pascual Nicolocci, Palm Acres
Ed Shonouskis, Pelican Landing
David Lopez, The Colony

5. CONSENT AGENDA:

- (a) September 23, 2020 Council Meeting Minutes
- (b) Correction to Council Meeting Calendar (Resolution 2020-19) to change Council Zoning Hearing date from July 16, 2021 to July 14, 2021. (revised calendar attached)

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Jim Boesch

Seconded by: Councilmember Nick Batos

Action: Approved the Consent Agenda.

Vote: (Roll Call)

Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions:

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

7. PUBLIC HEARINGS:

- (a) Resolution No. 2020-22 A Resolution of the Village Council of the Village of Estero, Florida, Resolution No. 2020-22 Appointment of Nick Batos to Fulfill Remainder of Term; And Providing an Effective Date.

Village Council is requested to approve Resolution No. 2020-22 Appointment of Nick Batos to Fulfill Remainder of Term until March 15, 2021.

Staff Presentation/Comments:

Steve Sarkozy, Village Manager

Burt Saunders, Village Attorney

Council Questions or Comments:

Councilmembers Batos

Public Comment: None.

Motion: Motion to adopt Resolution No. 2020-22.

Motion by: Councilmember Jim Boesch

Seconded by: Vice Mayor Katy Errington

Action: Adopted Resolution No. 2020-22

Vote: (Roll Call)

Aye: Councilmembers Levitan, McLain, Boesch, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions: Councilmember Batos

(b) Village of Estero Style Guide

Staff Presentation/Comments:

Steve Sarkozy, Village Manager

Council Questions or Comments:

Mayor Ribble

Public Comment: None.

Motion: Motion to approve the Village of Estero Style Guide

Motion by: Vice Mayor Katy Errington

Seconded by: Councilmember Jon McLain

Action: Approved the Village of Estero Style Guide

Vote: (Roll Call)

Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions:

- (c) Appeal of Design Review Board decision for Longitude 81 Apartments – Commercial Paint Permit.

Determine whether the Council desires to remove jurisdiction from the Design Review Board and consider the item directly at a public hearing at a future Council meeting.

Staff Presentation/Comments:

Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director

Council Questions or Comments:

Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Public Comment: None.

Motion: Motion made not to take jurisdiction of the Design Review Board decision of Longitude 81 Apartments – Commercial Paint Permit

Motion by: Vice Mayor Katy Errington

Seconded by: Councilmember Jon McLain

Action: Approved the motion to not take jurisdiction of the Design Review Board decision of Longitude 81 Apartments – Commercial Paint Permit

Vote: (Roll Call)

Aye: Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Nay:

Abstentions:

8. PUBLIC COMMENT ON NON-AGENDA ITEMS

eComment

Jack Meeker, Copperleaf at The Brooks

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

10. **VILLAGE ATTORNEY'S REPORT:** None.

11. **VILLAGE MANAGER'S REPORT:** None.

Adjourn Regular Session and Convene Workshop Item

12. **WORKSHOP ITEMS:**

(a) Village of Estero Capital Improvement Project Process

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments:

Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Public Comment: None.

(b) Land Development Code Update

Staff Presentation/Comments:

Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director

Council Questions or Comments:

Councilmembers Levitan, McLain, Boesch, Batos, Wilson, Vice Mayor Errington, and Mayor Ribble

Public Comment: None.

13. **ADJOURNMENT at 11:11 am.**

ATTEST:

By: 
Steve Sarkozy, Acting Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: 
Bill Ribble, Mayor

(td/SS)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Batos, Nicholas</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Estero Village Council Dist. 6</i>
MAILING ADDRESS <i>9165 Hollow Pine Drive</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Estero Lee</i>	NAME OF POLITICAL SUBDIVISION: <i>Village of Estero Council</i>
DATE ON WHICH VOTE OCCURRED <i>October 7, 2020</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Nicholas BATES, hereby disclose that on October 7, 2020:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Council voted on appointing me to Council which, if approved, would result in a financial gain.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

October 7, 2020
Date Filed

Nicholas Bates
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.