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**APPROVED BY COUNCIL
MARCH 18, 2020**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
March 4, 2020 9:30 a.m.**

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

INVOCATION: Father Tony Gilborges from Our Lady of Light Catholic Community.

PLEDGE OF ALLEGIANCE: Led by Mayor Ribble.

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

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, 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 Boesch

Seconded by: Councilmember McLain

Action: Approved the agenda.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

3. PROCLAMATIONS:

(a) March 2020 – Believing in Girls Month

Presented by Mayor Ribble to Meg Geltner, Executive Director of Pace Center for Girls; Mark Blust, VP Marketing and Operations, Prawnbroker Restaurant Group; Jennifer Nelson, Executive Director, Uncommon Friends Foundation and Pace Center for Girls Board Member; and Margo Brewster, Development Manager, Pace Center for Girls.

(b) Recognition and Appreciation for Councilmember Jim Boesch Related to the Success of the Estero Forever Foundation, presented by Mayor Ribble.

4. PUBLIC COMMENT ON NON-AGENDA ITEMS:

Bob Dion, Pelican Sound, conveyed appreciation to Public Works Director Willems and Vice Mayor Errington for presentations and participation related to updated information regarding the Estero River at the recent Pelican Sound meeting.

Jacob Paine, 17413 Newberry Lane, Estero, concern regarding 5G technology.

Jack Meeker, The Brooks, concern regarding planned road widening and preservation of Edison Farms property.

5. CONSENT AGENDA:

(a) February 19, 2020 Council Meeting Minutes

(b) Financial Report for the Months Ended December 31, 2019 and January 31, 2020

Motion: Move to approve the Consent Agenda.

Motion by: Councilmember Batos

Seconded by: Councilmember Boesch

Action: Approved the Consent Agenda.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

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

7. ACTION ITEMS:

- (a) Corkscrew Road (Ben Hill Griffin Pkwy to East of Bella Terra Blvd) Enhancements

Staff Presentation/Comments: Village Manager Sarkozy.

Council Questions or Comments: None.

Public Comment:

Lou Frattarelli, The Preserve, representing ECCL Transportation Council and East Corkscrew Alliance

Motion: Move to authorize the Village Manager and Public Works Director to meet with Lee County to resolve a suitable design alternative.

Motion by: Councilmember Boesch

Seconded by: Vice Mayor Errington

Action: Authorized the Village Manager and Public Works Director to meet with Lee County to resolve a suitable design alternative.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

- (b) Resolution No. 2020-01 A Resolution of the Village of Estero, Florida, Adopting the Village of Estero Stormwater Master Plan; and Providing an Effective Date

Staff Presentation/Comments: Village Manager Sarkozy; Village Clerk Hall read the title of Resolution No. 2020-01.

Council Questions or Comments: Councilmembers McLain, Levitan, and Boesch.

Public Comment: None.

Motion: Move to adopt Resolution No. 2020-01.

Motion by: Vice Mayor Errington

Seconded by: Councilmember McLain

Action: Adopted Resolution No. 2020-01.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

- (c) Consider a Lien Mitigation Request from Racetrac Petroleum, Inc., Relating to the Property at 22350 S Tamiami Trail, Located at the Corner of U.S. 41 and Galloway Ford Drive, just North of Coconut Point Ford

Staff Presentation/Comments: Village Manager Sarkozy.

Public Comment: Steve Hartsell, Attorney, Pavese Law Firm

Motion: Move to approve the lien mitigation request releasing any outstanding liens against the Property in exchange for payment of a reduced fine of \$12,000 and \$331.50 for administrative costs.

Motion by: Councilmember Boesch

Seconded by: Councilmember Batos

Council Questions or Comments: Councilmember Levitan offered an amendment to the motion that the fine be set at \$15,000; Councilmembers Boesch and Batos concurred with the amendment to the motion.

Action: Approved the lien mitigation request releasing any outstanding liens against the Property in exchange for payment of a reduced fine of \$15,000 and \$331.50 for administrative costs.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

- (d) Disposal of Items at Happehatchee Center Property

Staff Presentation/Comments: Village Manager Sarkozy.

Council Questions or Comments: Councilmembers Levitan, McLain, and Vice Mayor Errington.

Public Comment: None.

Motion: Move to: (1) Authorize staff through the Village Manager to dispose of the miscellaneous items and equipment left behind at the Happehatchee Center via the hiring of a company that specializes in junk removal and disposal.
(2) Grant the Village Manager the authority to execute any ancillary documents related to the disposal on behalf of the Village of Estero Council.

Motion by: Vice Mayor Errington

Seconded by: Councilmember Boesch

Action: (1) Authorized staff through the Village Manager to dispose of the miscellaneous items and equipment left behind at the Happehatchee Center via the hiring of a company that specializes in junk removal and disposal.
(2) Granted the Village Manager the authority to execute any ancillary documents related to the disposal on behalf of the Village of Estero Council.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

(e) Design Review Board Appointments and Chairman Appointment

Staff Presentation/Comments: Village Manager Sarkozy.

Council Questions or Comments: Councilmember Levitan.

Public Comment: None.

Motion: Move to reappoint Board Members William Glass and Michael Sheeley to the Design Review Board for two-year terms expiring March 31, 2022 and reappoint Barry Jones as Design Review Board Chairman for one year.

Motion by: Councilmember Levitan

Seconded by: Councilmember Boesch

Action: Reappointed Board Members William Glass and Michael Sheeley to the Design Review Board for two-year terms expiring March 31, 2022 and reappointed Barry Jones as Design Review Board Chairman for one year.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

(f) Planing and Zoning Board Appointments and Chairman Appointment

Staff Presentation/Comments: Village Manager Sarkozy.

Public Comment: None.

Motion: Move to reappoint Board Members Anthony Gargano and John Yarbrough to the Planning and Zoning Board for three-year terms expiring March 31, 2023 and reappoint Scotty Wood as Planning and Zoning Board Chairman for one year.

Motion by: Councilmember Levitan
Seconded by: Councilmember McLain

Action: Reappointed Board Members Anthony Gargano and John Yarbrough to the Planning and Zoning Board for three-year terms expiring March 31, 2023 and reappointed Scotty Wood as Planning and Zoning Board Chairman for one year.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

8. SECOND READING / PUBLIC HEARING OF ORDINANCES:

- (a) Ordinance No. 2020-02 Amending the Transitional Land Development Code, Chapter 2, Article VI, Impact Fees, Division 2, Roads Impact Fees, by Amending Section 2-264(B) Definitions; Providing for Conflict; Providing for Severability; and Providing an Effective Date

Staff Presentation/Comments: Community Development Director Gibbs; Village Clerk Hall read the title of Ordinance No. 2020-02.

Council Questions or Comments: None.

Public Comment: None.

Motion: Move to adopt Ordinance No. 2020-02.

Motion by: Councilmember McLain
Seconded by: Councilmember Batos

Action: Adopted Ordinance No. 2020-02.

Vote: (Roll call vote)

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

Nay:

Abstentions: Councilmember Wilson absent

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

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

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

11. VILLAGE ATTORNEY'S REPORT:

Village Attorney Saunders addressed upcoming topics for the March 18, 2020 agenda related to the Happehatchee Property as well as an executive session to resolve pending litigation. He also provided a brief report related to the recent Florida legislative sessions.

12. VILLAGE MANAGER'S REPORT: None.

Adjourn Regular Session and Convene Workshop Item

The meeting went into recess at 10:50 a.m. and reconvened at 11:00 a.m.

13. WORKSHOP ITEM:

(a) Fiscal Year 2020-2021 Capital Improvement Program (CIP)

Staff Presentation/Comments: Village Manager Sarkozy; Public Works Director Willems.

Council Questions or Comments: Councilmembers Batos, Levitan, McLain, Boesch, and Mayor Ribble.

Public Comment:

Lou Frattarelli, The Preserve
Ed Weil, Rookery Point
Bob Dion, Pelican Sound
Richard Piester, Coconut Shores

Additional workshops related to the CIP were scheduled for April 1, 2020 and April 8, 2020.

A motion to adjourn was made and duly passed.

14. ADJOURNMENT: 12:00 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

By: Bill Ribble
Bill Ribble, Mayor