

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 BY COUNCIL
MAY 15, 2024
VILLAGE COUNCIL REGULAR MEETING**

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928**

May 1, 2024 9:30 a.m.

1. CALL TO ORDER

INVOCATION

Pastor Jan Chance River of Life Church

PLEDGE OF ALLEGIANCE

Led by Vice Mayor Ribble.

ROLL CALL

Mayor Jon McLain - District 3, Vice Mayor Joanne Ribble - District 1, Councilmember Larry Fiesel - District 2, Councilmember Lori Fayhee – District 4, Councilmember Rafael Lopez - District 5, Councilmember Jim Ward - District 6, and Councilmember George Zalucki - District 7.

Also present

Village Manager Steve Sarkozy, Village Attorney Robert Eschenfelder, Mary Gibb, Community Development Director, Nancy Stroud, Village Land Use Counsel, Kevin Greenville, Finance Director, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda with noting a replacement of Resolution for 7(e), 2024-08 that has been added to the desk packet as the consultants recommended more detailed language to the resolution but the substance has not changed.

Motion by: Councilmember Fiesel

Seconded by: Councilmember Fayhee

Action: Approved agenda with noting a replacement of Resolution for 7(e), 2024-08 that has been added to the desk packet as the consultants

recommended more detailed language to the resolution but the substance has not changed.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

3. PROCLAMATION

(a) National Boat Safety Week

Michael DiPierro, Flotilla 96 Commander
Chuck Moore, Flotilla 96 Commander

(b) 4KIDS – National Foster Care Awareness Month

Rick Jacobs, 4Kids SWFL Executive Director

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

5. CONSENT AGENDA

(a) April 17, 2024 Village Council Meeting Minutes

Motion: Motion to approve consent agenda.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Lopez

Action: Approved consent agenda.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

None.

7. ACTION ITEMS

(a) Williams Road and Atlantic Gulf Blvd Intersection Improvements
Construction Manager at Risk Contract

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Councilmembers Zalucki, Ward, Fiesel, and Mayor McLain

Public Comments

None.

Motion: Motion to approve Construction Manager at Risk agreement between Village of Estero and Manhattan Construction, Inc. for Williams Road and Atlantic Gulf Blvd Intersection Project and to authorize the Village Manager to execute the agreement and any related documents or amendments as may be necessary, except for the Guaranteed Maximum Price amendment, which will be approved by Council, at a later date.

Motion by: Councilmember Lopez

Seconded by: Councilmember Fiesel

Action: Approved Construction Manager at Risk agreement between Village of Estero and Manhattan Construction, Inc. for Williams Road and Atlantic Gulf Blvd Intersection Project and to authorize the Village Manager to execute the agreement and any related documents or amendments as may be necessary, except for the Guaranteed Maximum Price amendment, which will be approved by Council, at a later date.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

(b) Sandy Lane Bike/Ped Improvements Construction Manager at Risk Contract

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comments

None.

Motion: Motion to approve Construction Manager at Risk agreement between Village of Estero and Chris-Tel Construction, Inc. for the Sandy Lane Bike/Ped Improvements Project and to authorize the Village Manager to execute the agreement with an effective date of July 1, 2024 and any related documents or amendments as may be necessary, except for the Guaranteed Maximum Price amendment, which will be approved by Council, at a later date.

Motion by: Vice Mayor Ribble
Seconded by: Councilmember Ward

Action: Approved Construction Manager at Risk agreement between Village of Estero and Chris-Tel Construction, Inc. for the Sandy Lane Bike/Ped Improvements Project and to authorize the Village Manager to execute the agreement with an effective date of July 1, 2024 and any related documents or amendments as may be necessary, except for the Guaranteed Maximum Price amendment, which will be approved by Council, at a later date.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

(c) Resolution No. 2024-06 Bonita-Estero Rail-Trail (BERT)

A Resolution of the Council of the Village of Estero, Florida Expressing Support for Bonita-Estero Rail-Trail Project; Authorizing the Village Manager to Submit Funding Requests to the Lee County Metropolitan Planning Organization; Annual Project Solicitation Cycle Prioritization, the Florida Department of Transportation, Including Requests for Shared Use Nonmotorized Trail Funding, and Other Florida Agencies; The Federal Department of Transportation, Including the Federal Highway Administration; Providing an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Councilmember Zalucki and Mayor McLain

Public Comments

In-Person

Scott Stryker, Bella Terra
Terry Koch, Corkscrew Shores
Steve Novosad, The Vines
Barry Freedman, The Vines

eComments

Marsha Ellis, Devore Lane
Catherine Backos, Estero Place
Patty Whitehead, Tanglewood Lane
Deborah Orton, Cedar Creek
Terry Koch, Corkscrew Shores

Motion: Motion to approve of the attached Resolution will give credibility to the Village of Estero interest in this acquisition. It can also be used as the necessary financial match for Federal and State grants.

Motion by: Councilmember Zalucki
Seconded by: Councilmember Lopez

Action: Approved of the attached Resolution will give credibility to the Village of Estero interest in this acquisition. It can also be used as the necessary financial match for Federal and State grants.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

(d) Resolution No. 2024-07 Community Development Block Grant Disaster Recovery (CDBG-DR) Infrastructure Grant Applications.

A Resolution of the Village Council of the Village of Estero, Florida, Approving of the Submission of Application for a Community Development Block Grant Disaster Recovery Grant to Fund Charing Cross & Estero Bay Village Utility Extension Project, Sandy Lane & See See Street Utility Extension Project, Estero River Heights, Sherrill Lane And Luettich Lane Utility Extension Project And Broadway Avenue Improvements Project for the Village; Making Related Findings; Providing for Severability and for an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

Vice Mayor Ribble and Mayor Ribble.

Public Comments

None.

Motion: Motion to Adopt Resolution No. 2024-07.

Motion by: Councilmember Fiesel

Seconded by: Councilmember Fayhee

Action: Adopted Resolution No. 2024-07.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

(e) Resolution No. 2024-08

A Resolution of the Village Council of the Village of Estero, Florida, Authorizing and Directing the Village Manager to Prepare and Submit Community Development Block Grant-Disaster Recovery Projects to the Lee County Hurricane IAN Recovery and Resiliency Planning Program; Authorizing the Village Manager or His Designee to Accept and Execute the Grant Projects for the Lee County Hurricane IAN Recovery and Resiliency Planning Program when Received from Lee County; Authorizing the Village Manager or His Designee to Accept and Execute Grant Agreements with Sub-Recipients; authorizing the Village Manager to Amend the Projects, as Needed, with Such Amendment(s) Complying with the Rules and Regulations of the Lee County Hurricane IAN Recovery and Resiliency Planning Program; Making Related Findings; Providing for Severability and for an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comments

None.

Motion: Motion to approve Resolution No. 2024-08 authorizing the Village Manager to perform various duties including accepting and authorizing CDBG-DR grants from HUD and administered by Lee County.

Motion by: Councilmember Ward

Seconded by: Vice Mayor Ribble

Action: Approved Resolution No. 2024-08 authorizing the Village Manager to perform various duties including accepting and authorizing CDBG-DR grants from HUD and administered by Lee County.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

(f) Resolution No. 2024-09 Excessive Force Policy

A Resolution of the Village Council of the Village of Estero, Florida, Adopting a Policy Protecting Individuals Engaged in Nonviolent Civil Rights Demonstrations; Making Related Findings; Providing for Severability and for an Effective Date.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Council Questions or Comments

None.

Public Comments

None.

Motion: Motion to approve Resolution No. 2024-09 Excessive Force Policy.

Motion by: Councilmember Lopez

Seconded by: Councilmember Ward

Action: Approved Resolution No. 2024-09 Excessive Force Policy.

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

8. SECOND READING AND PUBLIC HEARING

(a) Ordinance No. 2024-05 Bella Terra Cell Tower

This was deferred from April 17, 2024

An Ordinance of the Village Council of the Village of Estero, Florida, Approving an Amendment to the Commercial Planned Development Zoning in the Bella Terra Development to Allow the use of Wireless Communication Facility a 12-Acre Parcel located at 19980 Bella Terra Boulevard; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Village Land Use Counsel Stroud provided information regarding Council business and quasi-judicial hearings. All audience members and staff providing testimony for the hearings were sworn in by Village Clerk Sacco.

No conflicts of interest were noted. Councilmembers Fayhee and Zalucki and Vice Mayor Ribble disclosed they had communications with residents.

Staff Presentation/Comments

Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director

Nancy Stroud, Village Land Use Counsel

Robert Eschenfelder, Village Attorney

Presentation/Information by

Mattaniah S. Jahn, P.A., Attorney for Broadus Towers, LLC

Darwin Feliz, Primary Verizon Wireless Engineer

Alan Sciually, Bella Terra

James Chasse, Vice Chair of HOA of Bella Terra

Council Questions or Comments

Councilmembers Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Public Comments

In-Person

Richard Smith, Bella Terra
Larry Roth, Bella Terra
Lorraine Disken, Bella Terra
Timothy Disken, Bella Terra
Louis Tancredi, Bella Terra

eComments

Noreen R Mccarthy, Bella Terra
Richard A, McCormick, Bella Terra
Michael Larson, Bella Terra
Sean Disken, Esq., Bella Terra
Susan McCormick, Bella Terra
Robert Lieberman, Bella Terra
Timothy Disken, Bella Terra
Marion Wilson, Bella Terra
Leo Cavaliere, Bella Terra
Donald Dest, Bella Terra
Fernando “Skip” Bonacquisti, Bella Terra
Norman E. Arflack, Bella Terra
Lorraine Disken, Bella Terra
Lisa Ninchritz, Bella Terra
Louis Tancredi, Bella Terra
William Compton, Verizon Wireless
Olga Maffeo, T-Mobile Wireless
Patricia Ryan, Bella Terra
Dennis Murphy, Bella Terra
Chuck Milton, Bella Terra
Patty Dufresne, Bella Terra
Michael Vecchio, Bella Terra
Marion Conklin, Bella Terra
Valerie Marzano, Bella Terra
Kirk Armstrong, Bella Terra
Sue Davy, Bella Terra

Motion: Motion to approve Ordinance No. 2024-05 with amending condition #4 to state, “The tower will not contain any lights on the tower including the top, unless lighting is required by any agency with jurisdiction to require lighting, but will be taped consistent with Land Development Code.”

Motion by: Vice Mayor Ribble
Seconded by: Councilmember Ward

Action: Approved Ordinance No. 2024-05 with amending condition #4 to state, “The tower will not contain any lights on the tower including the top, unless lighting is required by any agency with jurisdiction to require lighting, but will be taped consistent with Land Development Code.”

Vote: (Roll Call)

Aye: Councilmembers Fiesel, Fayhee, Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

Nay:

Abstentions:

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Lopez, Ward, Zalucki, Vice Mayor Ribble, and Mayor McLain.

10. VILLAGE ATTORNEY’S REPORT

None.

11. VILLAGE MANAGER’S REPORT

Steve Sarkozy, Village Manager

12. ADJOURNMENT at 12:35 pm

Motion by Councilmember Fiesel and seconded by Councilmember Lopez.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: _____

By: _____

Carol Sacco, CMC, Village Clerk

Jon McLain, Mayor

(td/CS)

For an official copy of the signed minutes, please submit a [Public Record Request](#).