VILLAGE COUNCIL REGULAR MEETING OF MARCH 17, 2015

The Inaugural Village of Estero Council meeting was held on this date in the Estero High School Auditorium, 21900 River Ranch Road, Estero, Florida, with the following Council members present:

Bill Ribble - District 1
Howard Levitan - District 2
Donald Brown - District 3
Katy Errington - District 4
Jim Boesch - District 5
Nick Batos - District 6
Jim Wilson - District 7

Acting Village Attorney Burt Saunders called the meeting to order at 6:30 pm.; and announced that proper notice of the meeting had been provided. He added that the meeting would be recorded by personnel of the Lee County Minutes Office, and thanked Lee County Clerk of Courts Linda Doggett for the assistance. After thanking Estero High School for hosting the meeting, Mr. Saunders introduced each of the Council Members.

The Invocation was given by Pastor Tim Carson, Estero United Methodist Church. The Estero High School ROTC formally presented the colors, followed by the Pledge of Allegiance to the flag.

PRESENTATIONS

Estero Chamber of Commerce (ECOC) President Jeff Maas commented on the Chamber's long-term relationship with the Estero Council of Community Leaders (ECCL); and announced that the Chamber wished to present the Unites States and Florida flags to the Council for use at future meetings. ECOC Board Chairman Gene Montenieri read and presented a plaque describing the purpose of the donation.

ECCL Chairman Emeritus Don Eslick offered comments about the transition of the community into a municipality and the previous accomplishments of the Estero Community Planning Panel (ECPP) and the Estero Design Review Committee (EDRC). After briefly reviewing the history of the ECCL and its role in the incorporation effort, Mr. Eslick recognized the contributions of ECCL leaders: Nick and Linda Batos, Howard and Rebecca Levitan, John Goodrich, Ray Rodrigues, Jim Boesch, Marilyn Edwards, Bill Callahan, Phil & Maralee Douglas, Bob Lienesch, and Roger Strelow.

Mr. Saunders acknowledged the presence in the audience of numerous elected state, county and local officials and other citizens, representing the Lee County Commission, Administration, Clerk, Supervisor of Elections, Tax Collector, and Sheriff; the City of Bonita Springs; several Bonita Springs and Estero civic organizations; the Town of Fort Myers Beach; and Lee Memorial Health System.

Lee County Commissioner Brian Hamman noted that Commissioners Larry Kiker and Cecil Pendergrass were also present, offered congratulations to the Council on behalf of all the Commissioners, and commented that they had made history simply by convening. He added the best wishes of the Commissioners for a successful and prosperous future, and stated that the County was willing to work with the Council as needed.

City of Bonita Springs Mayor Ben Nelson presented a resolution from the Bonita Springs City Council congratulating the citizens of Estero upon the creation of the new municipality.

FOLLOWING THE SELECTION OF THE VICE-MAYOR:

College of Life Foundation Chairman Charles Daurey presented a brief summary of the history of the Estero area, beginning with the arrival of Ponce de Leon at Mound Key over 500 years ago. He read selections from a collection of the Ordinance and Rules of the Town of Estero founded 110 years ago; and presented to the Council the only remaining copy of the Rules of the Town Council and Ordinances of the Town of Estero, dated September 1905. Mayor Batos thanked Mr. Daurey and all who have helped to build the community.

SWEARING IN CEREMONY

Honorable Elisabeth Adams, Twentieth Circuit Judge, conducted the swearing in of the new Council members.

ROLL CALL

Attorney Saunders called the roll of the first Village Council and confirmed that a quorum was present to conduct the evening's business.

CITY COUNCIL COMMUNICATION AND DISCUSSION

(A) Selection of Mayor
Mr. Ribble nominated Mr. Batos to serve as Mayor, seconded by Mr. Brown, called and carried unanimously by a roll call vote. Mayor Batos thanked the Council members for their support, and commented that all the work that had already been done was just the beginning.

(B) Selection of Vice-Mayor.
Mr. Brown nominated Mr. Levitan to serve as Vice-Mayor, seconded by Mr. Ribble, called and carried unanimously by a roll call vote. Vice-Mayor Levitan thanked the Council members and stated that he would work as hard as possible.

AT THIS TIME, MR. CHARLES DAUREY MADE A PRESENTATION TO THE COUNCIL. SEE THAT PORTION OF THE MINUTES.

FOLLOWING A BRIEF RECESS, THE MAYOR RE-CONVENED THE MEETING AT 7:22 PM WITH ALL COUNCIL MEMBERS PRESENT.

APPROVAL OF AGENDA

Mr. Wilson moved approval of the agenda as stated, seconded by Mr. Brown, called and carried unanimously.

CONSENT AGENDA

NO CONSENT AGENDA ITEMS WERE PULLED FOR DISCUSSION BY THE COUNCIL MEMBERS.

8(A) Approve Resolution Regarding the Purchase of Liability, Errors and Omissions Insurance from the Florida League of Cities/Florida Municipal Insurance Trust.
Mr. Ribble moved approval of Consent Agenda Items 8(A), 8(B), and 8(C), seconded by Mr. Levitan, called and carried unanimously.
RESOLUTION NO. 2015-01

8(B) Approve Resolution to Begin Operation of Website.
Mr. Ribble moved approval of Consent Agenda Items 8(A), 8(B), and 8(C), seconded by Mr. Levitan, called and carried unanimously.
RESOLUTION NO. 2015-02

8(C) Approve Resolution Requesting that the Governor Create a Seat on the Lee County Metropolitan Planning Organization.
Mr. Ribble moved approval of Consent Agenda Items 8(A), 8(B), and 8(C), seconded by Mr. Levitan, called and carried unanimously.
RESOLUTION NO. 2015-03

COUNCIL BUSINESS

Mayor Batos explained that, because Council had no staff at this point, members of the ECCL Transition Team and others had been asked to act as staff to research the Council Business items.

9(A) DISCUSSION/RESOLUTION – A discussion and proposed resolution regarding the appointment of an Interim Village Manager and Interim Custodian of Public Records
Transition Team member Phil Douglas reviewed the information provided in the agenda attachments, described the qualifications of the recommended candidate Peter Lombardi, and requested that the Council employ Mr. Lombardi as Interim Village Manager. Following brief Council discussion, the Mayor called for public input; however, no one came forward. Mayor Batos requested a motion to approve a resolution confirming Peter Lombardi as Interim Village Manager and Custodian of Public Records. Mr. Brown so moved, seconded by Mr. Ribble, called and carried unanimously by a roll call vote. Mr. Lombardi thanked the Council, and remarked that the next twelve months would be a very exciting time.
RESOLUTION NO. 2015-04

9(B) DISCUSSION/RESOLUTION – A discussion and proposed resolution confirming the appointment of an Interim Village Attorney.
On behalf of the ECCL, Transition Team member Roger Strelow recommended the selection of Burt Saunders and the GrayRobinson Law Firm as Interim Village Attorney; described qualifications of Mr. Saunders and the firm; and reviewed the information provided in the agenda attachments. Mr. Wilson moved approval, seconded by Mr. Boesch, called and carried unanimously by a roll call vote. After Mr. Saunders remarked that he was looking forward to an exciting year, Mayor Batos requested that he serve as parliamentarian for the meeting.
RESOLUTION NO. 2015-05

9(C) DISCUSSION/RESOLUTION – A discussion and proposed resolution regarding the appointment of an Interim Village Finance Director.
Transition Team member Robert Lienesch reviewed the information provided in the agenda attachments, and described the qualifications of candidate Lisa Pace and the firm of Adgate, Pace and Associates (APA). Mayor Batos requested a motion to approve a resolution confirming the appointment of Lisa Pace as Interim Village Finance Director. Mr. Boesch moved approval, seconded by Ms. Errington. The Mayor called for public input; and former Bonita Springs City Council member Martha Simons came forward to endorse Ms. Pace. The motion was called and carried unanimously.
RESOLUTION NO. 2015-06

9(D) DISCUSSION/RESOLUTION – A discussion and proposed resolution regarding accounting and bookkeeping services.

Transition Team member Robert Lienesch reviewed the information provided in the agenda attachments, and described the benefits of using the same firm as both the Finance Director and the accounting/bookkeeping service. He recommended that the Council appoint Lisa Pace and APA. Mayor Batos called for public input; however, no one came forward. He then requested a motion to approve a resolution confirming the appointment of APA to perform accounting and bookkeeping services. Mr. Brown so moved, seconded by Mr. Ribble, called and carried unanimously.
RESOLUTION NO. 2015-07

9(E) DISCUSSION/RESOLUTION – A discussion and proposed resolution regarding banking services.

Mayor Batos stated that Items 9(E) and 9(F) would be discussed simultaneously but voted on separately. Transition Team member Robert Lienesch reviewed the information provided in the agenda attachments; and described the differences between the terms proposed by Fifth Third Bank and Sun Trust Bank as outlined on a document entitled "Term Sheet Comparison – Revolving Credit Agreement" (copy on file) which was distributed to Council members. He recommended that the Council select Sun Trust Bank; and authorize Village representatives to (1) immediately open banking accounts with Sun Trust, and (2) proceed with negotiation of terms for a line of credit of up to $1.5 million. He mentioned that Sun Trust Bank Vice-President Joshua McCoy and Fifth Third Bank Vice-President Jim Mitchell were present to answer any questions. In response to a question from Mr. Boesch, Mr. McCoy stated that approved line of credit funds would be available for capital needs as determined by the Council. Discussion ensued, during which Mr. McCoy clarified that his reference was not to additional funds. Attorney Saunders explained that a personal banking relationship with one of the banks would not prevent a Council member from voting on the issue; and that repayment of the entire amount must occur within 12 months. Mayor Batos called for public comment. An individual identifying himself as a local accountant came forward to express his support for Fifth Third Bank and to ask whether all responding banks had been given equal opportunity to participate. Mr. Lienesch confirmed that all banks had the same opportunities to submit a response and to meet with Village representatives. Mayor Batos requested a motion to approve a resolution designating Sun Trust Bank as the depository for receipt of funds and payment of debts for the Village of Estero. Mr. Ribble so moved, seconded by Mr. Brown, called and carried unanimously.
RESOLUTION NO. 2015-08

9(F) DISCUSSION/RESOLUTION – A discussion and proposed resolution regarding the approval of a Line of Credit for the Village of Estero.

Following the discussion and motion shown above for Item 9(E):
Mayor Batos requested a motion to approve a resolution to obtain the line of credit offered by Sun Trust Bank. Mr. Wilson so moved, seconded by Ms. Errington. Mr. Lienesch commented that the motion should include the line of credit amount of $1.5 million, and Mr. Wilson confirmed that the motion included that amount. The motion was called and carried unanimously.
RESOLUTION NO. 2015-09

9(G) DISCUSSION/RESOLUTION – A discussion and proposed resolution approving a contract with the Estero Fire Rescue District for the rental of office space.

Transition Team member Phil Douglas reviewed the information provided in the agenda attachments, described the process by which the Estero Fire Rescue District (EFRD) Administration Building had been selected, and noted that the monthly rental of $1,380 was truly a bargain. EFRD Fire Chief Scott Vanderbrook described the facilities that would be provided, noted that all IT services were already in place, and emphasized that the agreement between two governmental agencies would save taxpayer money. Mr. Boesch thanked EFRD personnel and commissioners for providing the facilities. Mayor Batos called for public input; however, no one

came forward. He then requested a motion to approve a resolution to approve an interlocal agreement with the EFRD for the rental of office space. Ms. Errington so moved, seconded by Mr. Boesch. After Mr. Wilson remarked that the proposal was a tribute to government "lite", the motion was called and carried unanimously.
RESOLUTION NO. 2015-10

9(H) DISCUSSION/RESOLUTION – A discussion and proposed resolution establishing temporary dates, times and location of future Council Meetings, Workshops, and the official Village of Estero mailing address.

Attorney Saunders announced the proposed dates as listed in the agenda materials:

03/20/15 – 10 am – Organizational Workshop
03/27/15 – 10 am – Council Meeting -- 1:30 pm – Workshop
04/03/15 – 10 am – Council Meeting -- 1:30 pm – Workshop
04/10/15 – 10 am – Council Meeting -- 1:30 pm – Workshop

He added that all of the meetings would take place at the Estero Fire Station (21500 Three Oaks Parkway, Estero); that meeting and workshop agendas would be developed by the Village Manager; and that the schedule and agendas would be posted on the Village website and at the fire station. Mr. Boesch noted that April 3 is Good Friday, when most federal, state and county offices would be closed; and made a motion to strike that date from the proposed calendar. After Ms. Errington seconded the motion, Mr. Levitan suggested that the meetings of April 3 be re-scheduled to April 2 subject to availability of meeting facilities. Mayor Batos called for public input; and Richard Abrams asked whether any Council member would attend the Lee/Collier Metropolitan Planning Organization (MPO) meeting on Friday, March 20. Attorney Saunders explained that, because the Council did not yet hold a seat on the MPO, it was unlikely that any Council member would attend. Mayor Batos requested a motion to approve a resolution establishing temporary times, dates, and locations of meetings, as amended. Mr. Boesch so moved, seconded by Mr. Brown, called and carried unanimously.
RESOLUTION NO. 2015-11

9(I) DISCUSSION/RESOLUTION – A discussion and proposed resolution authorizing the Interim Village Manager to make individual purchases of up to $5,000 with a cumulative total not to exceed $25,000 before receiving further authorization of the Village Council.

Mayor Batos noted that this would normally be covered under a budget; and that, because no budget had yet been approved, the resolution would allow the Interim Village Manager to make purchases necessary to conduct Village business. He called for public input; however, no one came forward. The Mayor requested a motion to approve a resolution authorizing the Interim Village Manager to make individual purchases of up to $5,000 with a cumulative total not to exceed $25,000 before receiving further authorization from the Village Council. Mr. Brown so moved, seconded by Mr. Ribble, called and carried unanimously.
RESOLUTION NO. 2015-12

9(J) DISCUSSION/RESOLUTION – A discussion and proposed resolution authorizing the Interim Village Manager to purchase information technology equipment and services not to exceed $65,000, and authorizing the Village Mayor to execute contracts.

Mayor Batos introduced EFRD Assistant Fire Chief Mark Wahlig, who described the equipment and services that had been purchased by the EFRD and were available for the Council, including a computer system with temporary server licenses. Mr. Levitan thanked Mr. Wahlig and other EFRD staff who had developed a system to keep Village records in a secure private location, available to the public as required by state law. In response to a question from Ms. Errington, Mr. Wahlig confirmed that there were no compatibility issues from a technical standpoint with the use of Apple products. Mayor Batos called for public input; however, no one came forward. He then requested a motion to approve a resolution authorizing the Interim Village Manager to purchase information technology equipment and services not to exceed $65,000, and authorizing the Village Mayor to execute contracts. Mr. Ribble so moved, seconded by Mr. Levitan. Mr. Levitan explained that, because EFRD

purchased most of the equipment from vendors who have contracts with the State of Florida, the Village can was not required to go through the competitive bid process. The motion was called and carried unanimously. Mayor Batos thanked Assistant Chief Wahlig and Chief Vanderbrook.
RESOLUTION NO. 2015-13

9(K) DISCUSSION – Direct Interim Village Manager to advertise an Ordinance establishing the Land Use Board and the Design Review Board

Attorney Saunders noted that planning and zoning were important issues, and explained that this item directs the Manager and Attorney to begin putting together the ordinances needed to create a planning agency and architectural/design review boards. In response to a question from Mr. Brown, he confirmed that any policy issues would be discussed with the Council. Mr. Levitan commented that the March 27 Workshop would consist of discussion of this item and the ordinance covered by Item 9(L). Mayor Batos called for public input; ECPP Emeritus Chairman Neal Noethlich emphasized the importance of the planning and review functions. The Mayor requested a motion to direct the Interim Manager to advertise an Ordinance establishing the Planning and Zoning Boards and Design Review Board at the earliest possible date. Mr. Wilson so moved, seconded by Mr. Boesch, called and carried unanimously.

9(L) DISCUSSION – Direct Interim Village Manager to advertise an Ordinance rescinding the Lee County restriction on communication with Land Use Board.

Attorney Saunders explained that the Village had adopted the Lee County Ordinances as part of the Charter, subject to modification by the Council. He pointed out violations and penalties outlined in Section 2-191 of the County Ordinances, dealing with unauthorized communications; and noted that this section would prevent the Council from discussing important issues with citizens and developers. Mayor Batos called for public input; ECCL Vice-Chair John Goodrich asked whether Council members would be allowed to have individual conversations outside of a hearing. Attorney Saunders confirmed that Council members could communicate individually on matters to be considered by the Council. Mr. Levitan provided details of the enabling statute, including the requirement for disclosure of communications prior to the applicable hearing; and noted that other municipalities in Lee County had adopted similar Ordinances. Mayor Batos requested a motion to direct the Interim Village Manager to advertise an Ordinance regarding Section 286.0115 of the Florida Statutes to remove the presumption of prejudice from ex-parte communication with local public officials by establishing a process to disclose such communications. Mr. Levitan so moved, seconded by Mr. Ribble, called and carried unanimously.

9(M) DISCUSSION – Direct Interim Village Manager to advertise an Ordinance amending Lee County Ordinance 03-14, Relating to Lobbying Activities and Lobbyist Reporting in Lee County.

Attorney Saunders explained that the request was for an amendment to a portion of the Lee County Ordinance, dealing with the recordkeeping requirements for public officials which would be burdensome for Council members; and noted that the penalties for intentional violations were severe. Mayor Batos called for public input; however, no one came forward. He then requested a motion to direct the Interim Village Manager to advertise an Ordinance repealing Lee County Ordinance 03-14, Section 3, relating to lobbying activities and lobbyist reports. Ms. Errington so moved, seconded by Mr. Brown, called and carried unanimously.

PUBLIC INPUT ON NON-AGENDA ITEMS

Mayor Batos called the names of the three persons who had submitted speaker cards:

Island Club resident William Savage expressed the concerns of local residents about a project proposed by Stock Development , and submitted a petition with 800 residents' signatures (copy on file).

Island Club resident Nancy Buchhop urged the Council to maintain the high standards set by the ECCL.
Marsh Landing resident Steve Ferruggia asked how the Council would appoint members to committees.
Mayor Batos indicated that the Council would determine at future meetings which committees to create and how appointments will be made.

Mayor Batos called for any additional public comment:

Beverly MacNellis asked for information about the website address and Council member email addresses.
Mayor Batos, Mr. Levitan, and Assistant Chief Wahlig provided the requested information:
Website: www.villageofesterofl.org
Email addresses: lastname@villageofesterofl.org
Alternate email address: districtnumber@villageofesterofl.org

COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:
Mr. Brown, Ms. Errington, Mr. Boesch, and Mr. Wilson thanked everyone who had attended the meeting, and expressed appreciation for those who had already volunteered to help.

Interim Village Manager's Comments:
Mr. Lombardi thanked the Council for their vote of confidence, and stated that he looked forward to working with the members, and assured the citizens of Estero that he and his staff would be available whenever needed, beginning on Thursday, March 19.

Interim Village Attorney's Comments:
Mr. Saunders thanked the Council for their vote of confidence in the GrayRobinson Law Firm, encouraged members to call whenever a legal question arises, and noted that the Council's liability is limited when they operate under advice of counsel.

ADJOURN

The Mayor adjourned the meeting at 8:51 pm.

ATTEST:

By: PETER G. LOMBARDI

Interim Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos

Mayor