

## VILLAGE COUNCIL REGULAR MEETING OF APRIL 17, 2015

The Village of Estero Council Regular Meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida, with the following Council members present:

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

The Mayor called the meeting to order at 10:10 am, followed by the Pledge of Allegiance to the flag.

### ROLL CALL

Interim Village Manager Peter Lombardi called the roll; all members were present.

### APPROVAL OF AGENDA

Mr. Ribble moved approval, seconded by Mr. Brown, called and carried unanimously.

### COUNCIL BUSINESS

#### **5(A) Approval of Regular Council Meeting of March 27<sup>th</sup>, 2015, and April 6, 2015; Workshop Minutes of March 27, 2015 and April 7, 2015**

Mr. Brown moved approval, seconded by Ms. Errington, called and carried unanimously.

#### **5(B) SECOND READING AND PUBLIC HEARING – ORDINANCE 2015-01 An Ordinance of the Village Council of the Village of Estero, Florida, establishing Land Use Advisory Boards to the Village Council to include the Planning and Zoning Board and the Design Review Board; providing a severability clause; repealing and rescinding all ordinances in conflict; and providing an effective date.**

Interim Village Attorney Burt Saunders confirmed that proper notice had been provided for all hearings scheduled for today, and stated that this was the second hearing for each of the proposed Ordinances. After Interim Village Manager Peter Lombardi read the Ordinance title into the record, Mr. Levitan briefly reviewed the revisions that had been made following the first hearing. Ms. Errington requested a revision to add “lawful” after “applicable” in the second sentence of the fourth “Whereas” paragraph. There were no objections to the request. The Mayor called for public input; however no one came forward. Mr. Levitan moved approval of the ordinance as presented and amended, seconded by Mr. Boesch, called and carried unanimously via roll call vote.

#### **5(C) SECOND READING AND PUBLIC HEARING – ORDINANCE 2015-02 An Ordinance of the Village Council of the Village of Estero, Florida establishing procedures for ex parte communications related to quasi-judicial proceedings; providing a severability clause; repealing and rescinding all ordinances in conflict; and providing an effective date.**

Interim Village Attorney Burt Saunders confirmed that proper notice had been provided for all hearings scheduled for today, and stated that this was the second hearing for each of the proposed Ordinances. After Interim Village Manager Peter Lombardi read the Ordinance title into the record, Attorney Saunders suggested an amendment in Section 5 to set the effective date retroactive to March 17, 2015. There were no objections to the request. The Mayor called for public input; however no one came forward. Mr. Ribble

moved approval of the Ordinance as presented and amended, seconded by Ms. Errington, called and carried unanimously via roll call vote.

**5(D) SECOND READING AND PUBLIC HEARING – ORDINANCE 2015-03**

**An Ordinance of the Village Council of the Village of Estero, Florida, amending Chapter 22, Licenses and Business regulations, of the Code of Laws and Ordinances of the Village of Estero, Florida; removing certain record keeping requirements; providing for conflict with other ordinances; providing for severability; and providing for an effective date.**

Interim Village Attorney Burt Saunders confirmed that proper notice had been provided for all hearings scheduled for today, and stated that this was the second hearing for each of the proposed Ordinances. After Interim Village Manager Peter Lombardi read the Ordinance title into the record, Attorney Saunders suggested an amendment in Section 5 to set the effective date retroactive to March 17, 2015. There were no objections to the request. The Mayor called for public input; and the following individual came forward to comment:

Villages at Country Creek resident, George Molnar commented on recordkeeping requirements. After Attorney Saunders responded to Mr. Molnar's concerns about recordkeeping requirements, Mr. Ribble moved approval of the Ordinance as presented and amended, seconded by Mr. Wilson, called and carried unanimously via roll call vote.

**5(E) RESOLUTION – A Resolution Approving the Village Council Meeting Schedule for the Remainder of 2015.**

After Mayor Batos confirmed that there were no meetings scheduled for Friday, May 1, 2015, Vice-Mayor Levitan mentioned that adjustments might be needed to deal with zoning matters that may arise. Ms. Errington pointed out that Friday, May 22, was the beginning of the Memorial Day holiday; and there was consensus to change the 10 am Workshop meeting to Wednesday, May 20 at 1:30 pm. The Mayor called for public input; however no one came forward. Ms. Errington moved approval of the schedule as amended, seconded by Mr. Brown, called and carried unanimously.

RESOLUTION NO. 2015-19

**5(F) RESOLUTION – A Resolution Approving Lewis, Stroud & Deutsch PL Agreement for Professional Planning Services.**

Following comments from Ms. Errington, Mayor Batos, and Vice-Mayor Levitan, Interim Village Attorney Burt Saunders pointed out that Ms. Stroud is currently on retainer to handle issues on a case-by-case basis. The Mayor called for public input; however no one came forward. Mr. Levitan moved acceptance of the proposal, seconded by Ms. Errington, called and carried unanimously.

RESOLUTION NO. 2015-20

**5(G) RESOLUTION – A Resolution Approving Spikowski Planning Associates Agreement for Professional Planning Services.**

Extensive discussion ensued regarding the inclusion of other areas of Estero, the opposition of some landowners, and past and future opportunities for community and developer participation. Vice-Mayor Levitan, Mr. Ribble, Mayor Batos, and Mr. Wilson responded to concerns expressed by Ms. Errington and Mr. Boesch regarding areas to be included; developer participation; and financial aspects of the agreement. Vice-Mayor Levitan offered comments regarding the concept of mixed use centers (copy on file) and read into the record selected sections of the Estero Community Plan, including Objective 19.2 and Policy 19.2.1 (copy on file). Interim Village Manager Peter Lombardi clarified payment terms and requirements, and Mr. Boesch inquired about the potential costs for travel. The Mayor called for public input; and the following individuals came forward to comment:

Rapallo resident and local developer, Jim Wallace (handout on file)

Local landowner Greg Toth

Island Club resident, Donna Pogliano (handout on file)

Old Estero resident, Patty Whitehead

Mr. Levitan moved approval, seconded by Mr. Ribble, called and carried with Mr. Boesch dissenting.  
RESOLUTION NO. 2015-21

**5(H) RESOLUTION – A Resolution Adopting Recitals; Invoking Zoning in Progress for the Area Encompassed in the Village Center; Adopting Exemptions; Providing for Economically Viable Use.**

Vice-Mayor Levitan noted that Map “A” of the original resolution did not line up with the planning proposal that was approved in Item 5(G); and that a revised Map “B” had been circulated on April 14, 2015. Following brief Council discussion as to whether it would be appropriate to include the revised map in today’s action, Special Zoning Counsel Nancy Stroud provided a detailed explanation of the purpose, requirements and limitations of “Zoning in Progress”. She also addressed concerns and misconceptions contained in letters from residents, developers and landowners. Vice-Mayor Levitan offered comments regarding the concept of mixed use centers (copy on file) and read into the record selected sections of the Estero Community Plan, including Objective 19.2 and Policy 19.2.1 (copy on file). The Mayor called for public input; and the following individuals came forward to comment:

Attorney Steve Hartsell, of the Pavese Law Firm, representing Jeff Gray, Focus Development LLC  
Attorney Neale Montgomery, of the Pavese Law Firm, representing North Point  
LandQwest Managing Director, Adam Palmer, CCIM  
Local landowner Greg Toth  
Laura DeJohn, of Johnson Engineering, representing Lee Memorial Health System  
Certified Planner Paula McMichael, of Hole Montes, representing two clients  
Old Estero resident, Patty Whitehead  
ECCL Emeritus Chairman Donald Eslick  
Rapallo resident and local developer, Jim Wallace

Additional Council discussion followed as to whether proper notice of the revised map had been provided and whether Council should adopt the resolution as originally posted and postpone action on Map “B” to the next meeting. After Ms. Errington suggested that additional input was needed before Council voted on the resolution, Mayor Batos requested a motion to approve the resolution without Map “B”. Vice-Mayor Levitan so moved, seconded by Mr. Wilson, called and carried 5-2 via roll call vote, with Ms. Errington and Mr. Boesch dissenting.

RESOLUTION NO. 2015-22

**PUBLIC INPUT ON NON-AGENDA ITEMS**

Future Reserve at Estero Parkway resident, Doug Saxton – funding for sidewalks and bike paths  
Villages at Country Creek resident, George Molnar – up-to-date website should be high priority

**COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS**

**Council Members’ Comments:**

Mr. Boesch reported that:

- He had arranged for the invocations at meetings through May, then Mr. Lombardi would take over.
- The directional light both ways on Williams Road would be activated on the 20th
- Council and the Interim Village Manager were involved in discussions about Estero sidewalks.

Mr. Ribble reported that:

- The Historical Society would be hosting a Pioneer Day on the 18<sup>th</sup> from noon to 3 pm.

**Interim Village Attorney’s Comments:**

Interim Village Attorney Burt Saunders had no comments.

**Interim Village Manager’s Comments:**

Interim Village Manager Peter Lombardi had no comments.

**ADJOURN**

The Mayor adjourned the meeting at 12:28 pm.

ATTEST:

By: 

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Interim Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: 

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Mayor