

VILLAGE COUNCIL WORKSHOP MEETING OF MAY 15, 2015

The Village of Estero Council Workshop 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 1:33 pm, 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

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

COUNCIL BUSINESS

MAYOR BATOS ANNOUNCED THAT ITEMS 5(E) AND 5(F) WOULD BE DISCUSSED SIMULTANEOUSLY BEFORE THE OTHER ITEMS ON THE AGENDA.

5(A) DISCUSSION – Ordinance Establishing Purchasing Procedures

Interim Village Manager Peter Lombardi noted that the draft ordinance was similar to that used in Pinecrest. Village Attorney Burt Saunders mentioned that he would be working with Mr. Lombardi on some changes; and Mayor Batos suggested some general benchmarks for activating portions of the procedures. Council discussion followed regarding non-applicability of the Consultants Competitive Negotiation Guide, purchase amount limits, and the requirement for competitive bids. The Mayor called for public comment, and no one came forward. There was consensus that the draft ordinance would be presented for first public hearing at the May 20 Council Meeting.

5(B) DISCUSSION – Ordinance Regarding Local Communications Services Tax

Interim Village Manager Peter Lombardi explained that the ordinance must be adopted and rates set before the revenue could be received from the state, and suggested that the rate be set at the current County rate of 3.61%, less than the allowable maximum of 5.22%. Discussion followed regarding the effective date of January 1, 2016; the receipt of some funds retroactive to incorporation; the estimated annual amount of \$518,000; and methods for dealing with possible state tax reductions. The Mayor called for public comment, and no one came forward. There was consensus that the draft ordinance would be presented for first public hearing at the May 20 Council Meeting.

5(C) DISCUSSION – Ordinance Regarding Non-Exclusive Franchise to Florida Power & Light (FPL)

Interim Village Manager Peter Lombardi explained that the rate in the current Lee County franchise agreement with FPL is 4.5%, recommended that the Village negotiate an agreement with the same rate, and stated that no revenue estimate was available at this time. Discussion followed regarding the effective date and duration of the agreement, clarification of the need for control of the roads, and neighborhood concerns

about trees near the FPL easements. There was consensus that Village Attorney Burt Saunders would provide answers to some of the questions at the May 20 Council Meeting. The Mayor called for public comment, and no one came forward.

5(D) DISCUSSION – Ordinance Regarding Non-Exclusive Franchise to People’s Gas System (PGS), a Division of Tampa Electric

Interim Village Manager Peter Lombardi stated that this item was similar to the previously discussed agreement with FPL, and clarified that cable and telephone franchises were included in the communications tax. He stated that Lee County has no gas franchise agreement, and that the Bonita Springs rate is 5%. Discussion took place regarding the potential increased costs to Estero residents, the reasons that Lee County has no agreement, and rates in other local communities. Mayor Batos suggested that he could bring this up at a meeting next week with other mayors. There was consensus that more information would be provided at next week’s meeting regarding the number of residents involved, potential costs to them, and potential revenue for the Village. Village Finance Director Lisa Pace explained that it would be difficult to get records from PGS as they do not have to disclose records, and suggested “borrowing” invoices from gas customers for use in calculating costs. Additional discussion ensued about alternate methods for estimating costs, the Bonita Springs agreement, the differences between a public services tax and a franchise tax, and whether the revenue was needed. The Mayor called for public comment, and no one came forward.

5(E) DISCUSSION – Resolution of Intent for Village of Estero’s Participation in the National Flood Insurance Program

ITEMS 5(E) AND 5(F) WERE DISCUSSED SIMULTANEOUSLY

Interim Village Manager Peter Lombardi introduced Josh Overmyer, area representative of the Florida Division of Emergency Management. Mr. Overmyer described the purpose of the Division’s Community Rating System Initiative (CRSI), explained the “point” system that determines premium reductions for a given area, and noted that the two requirements for enrollment in the National Flood Insurance Program (NFIP) were adoption of a local flood damage prevention ordinance and submittal of a copy of the community boundaries. In response to questions from the Council, he explained that the Village’s initial scoring would include credit for County activities; and described factors that could improve the rating. Mr. Lombardi clarified that the required ordinance was in place because the Village had adopted Lee County Ordinances at incorporation; and that the cost of updated flood maps was included in the proposed interlocal agreement. Discussion followed regarding possible Bert Harris lawsuits, pending legislation that precludes such lawsuits, time required to review the application, rate policies of insurance companies, and unrelated insurance surcharges. After Mr. Overmyer reviewed specific activities that could help achieve a higher rating, further discussion occurred regarding the role of a “coordinator” and the ordinance requirement. The Mayor called for public comment, and no one came forward: Mr. Lombardi confirmed that a resolution would be presented at the May 20 Council Meeting.

5(F) DISCUSSION – Interlocal Agreement with Lee County Regarding Enforcement of Floodplain Management Regulations

ITEMS 5(E) AND 5(F) WERE DISCUSSED SIMULTANEOUSLY. SEE DISCUSSION ABOVE.

5(G) DISCUSSION – Ordinance Establishing Uniform Travel and Expense Reimbursement Procedures

Interim Village Manager Peter Lombardi noted that the draft was a copy of the Marco Island ordinance. Discussion followed regarding reimbursement for non-mandatory conferences, the rationale for Village Manager approval, possible reimbursement for supplies, the importance of having a policy in place for Council members and staff, limits on number of attendees at a single conference, gratuity and meal allowances, the definition of “local travel”, reimbursement approval for the Village Manager, possible reimbursement for Planning and Zoning/Design Review Board members, and a budget line item in next year’s budget. The Mayor called for public comment, and no one came forward. There was consensus that a revised draft ordinance would be presented at the May 20 Council Meeting.

5(H) DISCUSSION – Resolution Establishing Public Records Fees

Interim Village Manager Peter Lombardi pointed out that the state public records laws allow for reasonable per copy and hourly charges to provide records requested. Discussion ensued regarding reasonable fees and record requests from Council members. The Mayor called for public comment, and the following individual came forward:

Maryann Batlle – Naples Daily News – Calculation of hourly rates

Following discussion, there was consensus to consider the resolution at the May 20 Council Meeting.

5(I) DISCUSSION – Discussion Regarding Citizen Advisory Committees

Mayor Batos commented that any committees should be self-sustaining and that the Council would appoint liaisons. Discussion topics included a Transportation committee, limitations in staff time and meeting facilities, the need for mission statements, possible duplication of efforts, the desire for citizen involvement, applicability of Sunshine Laws, a committee for Old Historic Estero, and possibilities for creating independent committees. Village Attorney Burt Saunders responded to questions and provided information throughout the discussion. Vice-Mayor Levitan stated that Council members who felt a formal advisory committee was needed should bring it back to the Council with a specific mission statement and proposal. The Mayor called for public comment, and the following individuals came forward:

Don Eslick Estero Council of Community Leaders (ECCL) – Opposed to creation of ad hoc committees on subjects of concern to ECCL membership

Old Estero resident, Patty Whitehead – Possibility that presence of appointed Board members at discussions of ad hoc committees might jeopardize official responsibilities

Vice-Mayor Levitan responded, and Attorney Saunders agreed, that Board members could listen and ask questions but could not take a position on issues that might come before a quasi-judicial board. There was consensus that Council members would submit committee requests as suggested, to be brought before Council as soon as possible

5(J) DISCUSSION – Village of Estero Employment Policy Manual

Interim Village Manager Peter Lombardi commented that a Manual was nearly complete, and that it would be reviewed by Village Attorney Saunders before being brought back to a Workshop Meeting. The Mayor called for public comment, and no one came forward:

PUBLIC INPUT ON NON-AGENDA ITEMS

The Mayor called for public input, and no one came forward:

COUNCIL/MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:

Mr. Ribble – Mentioned most Council members had attended the Economic Development Summit, expressed concern about employer statements regarding a shortfall of talent for hiring locally, and suggested a process of matching employer needs with student education. Mr. Boesch mentioned that local colleges already have that information.

Mr. Levitan – Reported on two local developments – Wild Blue and Corkscrew Farms

He explained his opinion that a new Land Use category created by Lee County poses a serious threat to the Density Reduction/Groundwater Resource (DR/GR), remarked that local environmental groups were not taking a stand, and urged Council members to learn about the issue and appear before the County Commissioners. Following discussion, Mr. Levitan pointed out that the developers were giving concessions to organizations that might otherwise oppose the projects. Don Eslick of the Estero Council of Community Leaders (ECCL) suggested that the Council and ECCL should pass resolutions, then try to get support from environmental groups. There was consensus that a resolution should be drafted for approval within the next two weeks. Old Estero resident Patty Whitehead noted that the Responsible Growth

Management Coalition was opposed to Corkscrew Farms, which would be located over several important aquifers.

Village Attorney's Comments:

Village Attorney Burt Saunders reported that a planned meeting with Assistant County Manager Pete Winton had been changed to 11:00 am on Tuesday morning. At Mayor Batos' request, Vice-Mayor Levitan agreed to attend with Attorney Saunders.

Interim Village Manager's Comments:

Interim Village Manager Peter Lombardi had no comment.

ADJOURN

The Mayor adjourned the meeting at 4:09 pm.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall

By: Nicholas Batos

Kathy Hall, MMC
Village Clerk

Nicholas Batos
Mayor